
CATHARINA MACAULAY


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THE HISTORY OF ENGLAND FROM THE ACCESSION OF IAMES I TO THE ELEVATION OF THE HOUSE OF HANOVER.

BY CATHARINE MACAULAY

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THE HISTORY OF ENGLAND.

CHARLES I.

CHAP. I.

Court of Star-chamber, and other arbitrary courts, abolished.——Bill to deprive biſhops of their ſeats in parliament ſent up to the Lords.——Biſhops and judges impeached.——The Star-chamber verdict againſt the city of London reverſed.——Conceſſions to the Scots.——Embaſſy and manifeſto in favour of the Palatinate family.——Proceedings againſt the pope's nuncio, and other Papiſts.——Farther proceedings againſt delinquents in the army plot.——Acts paſſed.——King's journey to Scotland.

THE death of Strafford was one of thoſe exemplary acts of juſtice which has done the moſt honour to the independent ſpirit, which at this time eminently graced the counſels of the Engliſh ſenate. As it has afforded matter of exultation to the lovers of Liberty, ſo it has been lamented by the friends of deſpotiſm, as the important incident which drew Ann. 1641.

Ann. 1641. after it the deprivation of the King's power and life. The whole party of royaliſts have been very free in their cenſures on Charles in this point, and have condemned the ſacrifice he made to the demands of juſtice, and the united deſires of the people, as a condeſcenſion extorted from his fears rather than his neceſſities. The opinion that the overthrow of monarchy was the immediate conſequence of this circumſtance, or that the King could have maintained an inflexibility in regard to the fate of Strafford, are grounded on the authority of Clarendon, without other foundation than the chimeras of this flimſy politician; who, notwithſtanding that he relates the ſteady adherence of the Scotch army to the Engliſh parliament, and the incorruptible virtue of the Engliſh troops, who had been in vain ſolicited to aſſiſt the King in his endeavours to preſerve his authority; who, notwithſtanding he relates that the prudent foreſight of the Commons had cut off all the means whereby Charles could have procured money, thoſe nerves of power, without which it is impoſſible to exiſt; yet inſinuates, that, to have defeated the popular party, nothing more would have been neceſſary on the King's part, but a ſtubborn inflexibility to the importunate entreaties of his people, and the playing over the old game of diſſolving the parliament. Whoever accurately conſiders the ſituation of Charles at this period muſt acknowledge, that the only means whereby he could prolong to himſelf the ſhadow of power, or the preſervation of life, was to yield to the torrent of the times, and give way to the inſtant demands of his people, who continued in a manner

a manner unanimous till the fate of Strafford was determined *. Ann. 1641.

The parliament having executed juſtice on the great enemy to the public weal, and perpetuated their authority by the continuance-bill, proceeded with vigor to lop off the noxious branches of the regal authority. Two bills, no leſs important than aboliſhing the High-commiſſion court †, the court of Star-chamber ‡, the council in the Marches of Wales, the council of York §, Ruſhworth, vol. IV. p. 304. Journals of Commons, vol. II. p. 171.

* The King muſt have ſunk under the torrent of popular rage, had he refuſed the giving ſatisfaction to his ſubjects on this point. The ſacrifice of Strafford preſerved to him, for ſome time, his life and crown; and procured him afterwards a party ſtrong enough to wage war againſt his people.

† The bill which aboliſhed the High-commiſſion took away all coercive power from every eccleſiaſtical perſon and court.

‡ The lord Andover was the member who made the motion for aboliſhing this court; and aſſerted, that it had ever been a great eclipſe to the whole nobility; for none had been ſo frequently vexed there as noblemen. The ſtatute which eſtabliſhed this arbitrary court prohibited it to proceed againſt any delinquent otherwiſe than if he were convicted of the ſame crime by due proceſs of law. *Statutes at Large. Ruſhworth*, vol. IV. p. 204.

§ The conference between the two houſes concerning the aboliſhing the court at York was managed by Mr. Hyde: In the whole fifty-eight inſtructions by which this court was to act, there was ſcarce one of them, he ſaid, that was not againſt or beſide the law. He inſinuated, that the King could not canton out a part of his kingdom to be tried by commiſſion, though according to the rules of law: that theſe inſtructions allowed the commiſſioners to proceed according to their diſcretion—that is, that they ſhould do what they pleaſed; only, that it might not be ſuſpected that this diſcretion would be kinder than the law, ſpecial proviſion was made, that no fine, no puniſhment,

Ann. 1641. and other arbitrary courts *, regulating the jurisdiction of the council, and abridging its power, passed the house of Commons unanimously; and, after having met with a little interruption, was assented to by the Lords. These bills were presented to the King at the same time with a poll-bill †: he passed the latter, without taking notice of the former; but the Commons adjourning themselves with some warmth, and shewing other high symptoms of displeasure ‡, on their re-meeting to debate the point, they received a message from the King, that he was ready to comply with their demands.

Nalson, vol. II. p. 327. Court of Star-chamber, and other arbitrary courts, abolished.

should be less than was by law appointed, but as much greater as discretion should think fit: that this improvement had been found very pregnant in arbitrary courts; for if the law required good behaviour, this discretion close imprisoned; if the law sat a criminal in the pillory, this discretion appointed him to leave his ears there. *Parliamentary History*, vol. IX. p. 226, *& seq.*

* The court of the Duchy of Lancaster, and the court of Exchequer of the County Palatine of Chester. *Statutes at Large*, ed. 1706, vol. II. p. 1108.

† The Lords thought themselves unequally taxed in this bill, and claimed a right to tax themselves. To this pretension the Commons did not yield. Sir Simon Dewes shewed, by the example of all times, that the Commons had exercised the privilege of assessing on every occasion where money was raised by the power of parliament.

The Commons were so jealous of a privilege with which they had effected such great things, that having sent up to the Lords a bill of tonnage and poundage, they desired it might be re-delivered, to be brought up and presented by their own speaker. *Parl. Hist.* vol. IX. p. 445.

‡ They voted, that all the bills should be passed together, or not at all. *Letter from General Ludlow to Dr. Hollingworth*, ed. 1692.

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THE interruption which the popular bills had met with from the Lords, was by the Commons very juſtly aſcribed to the influence the bench of biſhops gave the King in the upper houſe. That this impediment might no longer retard the reformation, a bill was ſent up for depriving the biſhops of their votes in parliament, on the rational pretence, that intermeddling with ſecular affairs was a great hindrance to their ſpiritual function. This was ſeconded with warmth by the popular peers, and oppoſed with equal vehemence by the biſhops. Williams made a long ſpeech on the occaſion: he pleaded that part of the coronation-oath which is relative to the church; and ſaid, "That the King's conſcience was ſo upright, dainty, and ſcrupulous, that it ought not to be put upon ſwallowing ſuch gudgeons as to fill itſelf with doubts and difficulties *." The other arguments he made uſe of were, the prieſtly government of Judea; the great power of churchmen in all Chriſtian commonwealths from the age of Conſtantine, particularly in France and the Saxon heptarchy; and abſurdly applied the pious admonitions of St. Paul to the Corinthians on their litigious ſpirit, as an example to ſhew, that it was lawful for churchmen to intermeddle in ſecular affairs: he endeavoured to prove, that legiſlative power was the birthright of the clergy; that biſhops held their ſeats by virtue of their eccleſiaſtical capacity, not by the baronies annexed to their ſees; and that they had hi-

Ann. 1641.

Bill to deprive biſhops of their ſeats in parliament ſent up to the Lords.

Parl. Hiſt. vol. IX. p. 294, & ſeq.

* It would have been a happy thing for Charles and his family, if his "upright, dainty, and ſcrupulous conſcience," had reſtrained him from infringing that part of his coronation-oath which was relative to the liberties and privileges of the laity.

Ann. 1641. therto made the third eſtate in parliament *. In the courſe of his ſpeech he remarked a contradiction in the motive for diſpoſſeſſing biſhops of their ſeats in parliament, and a ſalvo in the bill for biſhops poſſeſſed of temporal peerages; ſince, as he juſtly obſerved, noblemen who had entered into holy orders could be no leſs tied by the peculiar duties of their calling than commoners.

Williams was anſwered in a very judicious manner by the lord Say, who argued, from the authority of ſcripture, that Chriſt had forbidden the apoſtles, and conſequently their ſucceſſors (a title the biſhops aſſumed) to exerciſe juriſdiction over their brethren. He proved, from the examples of all times, that the ambition of the clergy had introduced diſcord and confuſion in every ſociety, and that their pride had occaſioned them to be the common incendiaries of the Chriſtian world †. "While they kept themſelves to

* This matter was highly diſputed between the popular party in the kingdom and the royaliſts. The popular party called the King one of the three eſtates; but Charles aſſumed the ſovereignty over the eſtates, and aſſerted, that the eſtates were, the Lords ſpiritual, the Lords temporal, and the Commons. This was a very abſurd pretenſion; ſince no power can be ſuperior to the legiſlative; and if the King is not part of the legiſlative, he can be only the executive, which is a power ſubordinate to the legiſlative.

The lawyer Bagſhaw argued, that biſhops ſat in parliament in virtue of their temporal baronies; and that their total abſence from parliament could no more obſtruct the proceedings of parliament, than the abſence of any other number of Lords.

† One of the arguments urged by the Commons for diſpoſſeſſing biſhops of their votes in parliament, was, that that privilege, by ſet-

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prayer, and the miniſtry of the word, according to the examples of the apoſtles, the world received benefit from them; but when they intermeddled in ſecular affairs and ſtate buſineſs, when they came to be advanced above their brethren, their domineering ſpirit had been the cauſe of a great effuſion of Chriſtian blood. Every thing was eſteemed as it was eminent in its own proper excellency; their proper excellency was ſpiritual; the denial of the world, pomp, preferments, and employments; this they ought to teach, and this they ought to practiſe; but when they ſought to rule and domineer, contrary to the precepts and example of Chriſt, inſtead of honour and eſteem, they had brought upon themſelves contempt and odium. The vain things they ſo eagerly ſought after, had indeed gained them cap and courteſy, but had caſt them out of the conſciences of all men. Did the apoſtles, men of extraordinary gifts, think it unreaſonable for them to be hindered from giving themſelves continually to preaching the word and prayer, by taking care for the tables of the poor widows? and could the biſhops now think it reaſonable or lawful for them to contend for turning ſtateſmen inſtead of churchmen?" Lord Say having thus endeavoured to ſhew that the pretenſions of the clergy were hurtful to their ſpiritual calling, he proceeded to anſwer the political objections which had been made to the bill. "Antiquity, he ſaid, was no good plea, for that which, by Ann. 1641.

ting too great a diſtance between them and the reſt of their brethren in the miniſtry, introduced diſquiet in the church, by occaſioning pride in them, and diſcontent in their inferiors. *Ruſhworth*, vol. IV. p. 281, *& ſeq.*

experience,

Ann. 1641. experience, was found to be hurtful; the longer it had done hurt, the more cauſe there was to remove it. For being eſtabliſhed by law, the law-makers had the ſame power and the ſame charge to alter old laws that were inconvenient, as to make new that were neceſſary. For privilege of the houſe, it could be no breach of privilege; for either eſtate might propoſe, by way of bill, what they conceived to be for the public good. For the objection, that if the Commons removed biſhops, they might another time remove barons and earls, the reaſon was not the ſame; for the one ſitting by an honour which was hereditary, could not be ſo eaſily taken away as the other, ſitting by a barony depending upon an office. For the objection, that the bill altered the foundation of the houſe, and innovations which ſhook foundations were dangerous: if there was an error in the foundation, when it was found it ought to be mended, and not ſuffered to ruin on, to the prejudice of the ſtructure; beſides, the ſeat of biſhops was not fundamental to the houſe; it had ſtood without them, and done every thing which pertained to the power thereof, they being wholly excluded." In the courſe of this ſpeech, lord Say ſhewed, that the biſhops had ſuch an abſolute dependence on the crown, that their privilege of voting in parliament was very prejudicial to the welfare of the kingdom *. The King's influence, and the biſhops' votes,

Clarendon, vol. I. p. 186, & ſeq.

* Some time after this, Laud publiſhed a petulant anſwer to lord Say. He aſſerted, that the fathers of the church would never have undertaken the burthen of ſecular affairs, if it had been inconſiſtent with their function; and quoted the honeſt induſtry of St. Paul, who, to ſupport himſelf in a virtuous independency, laboured at the trade of tent-

at this time prevailing, the bill for diſpoſſeſſing them Ann. 1641.
of their ſeats was utterly rejected.

The Commons, exaſperated at this ſturdy oppoſition, determined to ſhew the biſhops that they ſhould have cauſe to repent the obſtruction they had given to their deſigns: the Preſbyterian party took the advantage of this ferment, and introduced into the lower houſe a bill for the total abolition of epiſcopacy. It was drawn up by Mr. St. John, and preſented by Sir Edward Deering, who complimented the houſe on their great moderation in applying ſo gentle a remedy to reſtrain the exorbitances of the clergy as was their late bill: "But this, he ſaid, having proved ineffectual, ſeeing that they were grown more ſtubborn and incorrigible, it

tent-making, as an authority that biſhops might intermeddle in ſtate concerns. If the counſel of ſome biſhops had been taken, he ſaid, neither the King nor the church would have been in ſo bad a condition as they now were. Biſhops could preach the Goſpel more publicly, and to far greater edification in a court of judicature, or at a council, where great men were met together to draw things to an iſſue, than many preachers in their ſeveral charges could; beſides, there was not that neceſſity of preaching now as formerly, when the world was little acquainted with the Goſpel: he prayed God it had not got a dangerous ſurfeit. To ſhew that parliaments had been the occaſion of ſhedding blood as well as the clergy, he quoted the example of that noble parliament who depoſed Richard II. and called it an irreligious, traitorous parliament. In this anſwer he made it plainly appear, that he had no idea of the ſenſe of moral obligations; for having taken a great deal of pains to prove the dominion of prieſts in the Jewiſh commonwealth, he concludes, that if the law could not give rule in this kind to thoſe that live under the Goſpel, a man might remove his neighbour's landmark; he might lead the blind out of the way; he might ſmite his neighbour; for theſe things were only prohibited by the law. *Laud's Remains, by Wharton.*

Ann. 1641. was now neceſſary to put the axe to the root of the tree *." The epiſcopal party in the houſe inveighed againſt the preſumption, as they termed it, of a private perſon to bring in a bill which overthrew the whole frame of church-government; and earneſtly urged the rejecting it: the other party as earneſtly preſſed the reading it; and aſſerted, that the orders of the houſe were in their own power, to be altered or diſpenſed with at pleaſure. After a long diſpute, the Puritan party prevailed; the bill was read, committed, and laid aſide till another favourable opportunity offered for reviving it; but on a motion being made for the taking away of deans and chapters, the Commons came to a reſolution that theſe ſhould be utterly aboliſhed, and their lands employed to the advancement of learning and piety, proviſion being made that the King ſhould be no loſer in his rents, firſt-fruits, and other duties †. Farther to humble and terrify the bi-

Parl. Hiſt. vol. IX. p. 356, & ſeq.

* Clarendon tells us, that Sir Edward Deering was very oppoſite to the deſigns of the Puritan party; but that being a man of levity and vanity, he was eaſily flattered into the undertaking any thing; and that his greateſt motive for preſenting this important bill to the houſe was, the opportunity of ſhewing his claſſical knowledge, by the application of the following two verſes in Ovid:

"Cuncta prius tentanda, ſed immedicabile vulnus
"Enſe recidendum eſt, ne pars ſincera trahatur."

Clarendon's Hiſtory of the Civil Wars, vol. I. p. 187.

† The two univerſities interceded in favour of this body; and Hacket, chaplain to biſhop Williams, was permitted to plead their cauſe. Dr. Burgeſs was appointed to anſwer Hacket; and Mr. Thomas, member for Caernarvon, made a ſpeech to the ſame purpoſe: he ſhewed, "That the office of deans, as it was now exerciſed, differed much from its original inſtitution; that they were only appointed ca-

terers

ſhops, an impeachment againſt the fourteen who aſ- Ann. 1641. Biſhops impeached.
ſiſted at the late convocation was carried up to the

terers or ſtewards, to provide food and raiment for the monks; and this at a time when their garments were not coſtly, nor their food dainty, being but bread and water.; that when, for the auſterity of their lives, princes did beſtow lands and revenues on them, then their prepoſite, the deans, did partake of their honours and poſſeſſions; and being thus endowed, it was ordained they ſhould be choſen out of the preſbytery: from this riſe they aſpired to the civil magiſtracy, lay-offices, and dignities: humility, piety, and induſtry, laid the foundation of all thoſe magnificent ſtructures wherewith churchmen were anciently endowed; pride, ambition, and avarice, would now demoliſh them." Mr. Thomas farther aſſerted, that the church, as it encreaſed in poſſeſſions, decreaſed in virtue; and that the office of deans, as it was now exerciſed, did neither tend to the honour of God, nor to the propagation of piety, as it had been alleged.

Mr. Pury, member for Gloceſter, produced the copy of the ſtatutes, grants, and foundation, of the dean and chapter of that city; the ſubſtance of which were, that the dean, prebendaries, and canons, were always to reſide in the houſes of the cathedral; there to keep a family, good hoſpitality, feed the poor, diſtribute alms to the needy, and to be careful to preach the word of God. They were to keep a common table in the common hall of the cathedral, where the canons and under-officers were appointed to eat together: the dean and chapter were alſo to give twenty pounds to the poor, beſides to their own almſmen, and twenty pounds towards the repairing of bridges and highways; for the performance of theſe ſtatutes, the dean, prebendaries, canons, and miniſters of the ſaid cathedral were reſpectively to take an oath, that they would obſerve them faithfully, and to their power procure all others to do the ſame. Mr. Pury aſſerted, that it was notoriouſly known to the city of Gloceſter, and thereabouts, that not one of theſe ſtatutes were performed by any of the deans or prebendaries of the ſaid cathedral: they came, indeed, once a-year to receive the rents and profits of the lands; but did not diſtribute to the poor and needy their portion, neglected altogether the mending the highways and bridges, did not keep any common table at all, and, inſtead of preaching the word of God themſelves, had been the chief inſtruments to hinder others from doing it. Mr. Pury farther aſſerted, that infinite were the preſ-

Ann. 1641. Lords *, and a charge, conſiſting of twenty-five articles, againſt Wren biſhop of Ely †: he was voted unfit to hold or exerciſe any office or dignity in the church or commonwealth; and the Lords, at the deſire of the Commons, committed him to the Tower.

A MESSAGE was alſo delivered by Mr. Pym, that the Commons did intend to proceed in the buſineſs con-

ſures that many cities near unto deans and chapters had endured by them and their procurement; and ſeeing that the ſaid deans and chapters were but truſtees, and the profits of their lands ill employed by them, contrary to the truſt repoſed, it was fit, by a legiſlative power in parliament, to take them away, and put them into the hands of feofees, to be diſpoſed of to ſuch religious and charitable uſes as they were firſt intended; which propoſal, if carried into execution, would be ſo far from occaſioning a poor and beggarly clergy, that the overplus of theſe donations would afford a decent and plentiful maintenance. *Parl. Hiſt.* vol. IX. p. 356, *& ſeq.* *Collier's Eccleſiaſtical Hiſt.* vol. II. p. 803.

* The Lords not committing the biſhops on this general charge, a more particular one was brought up by the Commons. This had no better effect; and the biſhops were permitted to be ſo dilatory in their defence, that in a quarter of a year after the commencement of the proſecution they put in a plea and demurrer, inſtead of an anſwer to the charge of the Commons. The Commons complained of the unneceſſary delays, and particularly of the Lords admitting the demurrer, without calling up the Commons to be preſent when the matter was argued. *Nalſon*, vol. II. p. 717, *& ſeq.*

† One of the twenty-five articles was, that the ſaid biſhop having exacted of the city of Norwich two ſhillings in the pound in lieu of the tithes of houſes, though, by the law of the realm, no tithes ought to be paid out of the rents of houſes, he, to effect this, did obtain of the King an order under the great ſeal of England, that the perſons refuſing to pay ſhould be heard in the court of Chancery, or the conſiſtory of the biſhop of Norwich, and that in ſuch caſe no prohibition ſhould be granted. *Nalſon*, vol. II. p. 351, *& ſeq.*

cerning

cerning the archbiſhop of Canterbury; therefore de- Ann. 1641.
ſired their lordſhips to appoint a ſelect committee to examine ſuch witneſſes as the Commons ſhould deſire, and that to be in the preſence of ſuch members of the lower houſe as that houſe ſhould appoint; that the examination might be kept ſecret, as in the caſe of the earl of Strafford; and, as an order had paſſed the Commons to examine their own members, that the Lords would provide that ſuch members of their own houſe as ſhould be nominated by the Commons be likewiſe examined: to this meſſage the Lords gave their aſſent. Among theſe acts of juſtice, the judges were not forgotten: an impeachment was ſent up againſt all thoſe who had given their opinion for the crown in the caſe of ſhip-money, and who in many other inſtances had in the moſt notorious and profligate manner betrayed the laws to the invaſions of power *. Pierpoint, ſon to the earl of Kingſton, was appointed to enforce the charge againſt Sir Robert Berkeley. Many of the evils under which the nation had groaned, he

Impeachment of the judges.

Ruſhworth, vol. IV. p. 318, & ſeq.

* One of the articles againſt Sir Robert Berkeley was, that, contrary to a ſtatute of the five-and-twentieth year of king Henry VIII. ſome ill affected perſons endeavouring to bring a charge upon the ſubjects contrary to law, did ſurmiſe that the price of corn might be rated according to the direction of that ſtatute for the rating of other kinds of proviſion, and thereupon great gain might be raiſed to the King by licences and diſpenſations for ſelling corn at other prices. On theſe ſuggeſtions, a command from the King having been procured to require the judges to deliver their opinion touching the queſtion, Sir Robert, in furtherance of the ſaid unlawful charge, did deliver his opinion that corn was ſuch victual as could be legally rated. *Ruſhworth*, vol. IV. p. 318, *& ſeq.*

ſaid,

Ann. 1641. ſaid, might have been prevented by the judges: their unjuſt judgments had been our records; this kingdom had known wicked ſtateſmen, craftily politic, who hated our laws, but not meeting with judges moulded to their purpoſes, the realm flouriſhed: of late others, leſs politic, meeting with judges every way as ill as they could wiſh them, then did the people faint. Mr. Pierpoint juſtly obſerved, that the beſt lovers of their Laws and Liberty, the moſt honeſt, ſuffer moſt by an unjuſt judge; they moſt oppoſe his vices. He that will do no wrong will ſuffer none that he can help; and he that knows himſelf to be born free will do his utmoſt to live ſo, and leave that freedom to poſterity. Law was Liberty; and the unlimited power muſt be in ſome to make and repeal laws, yet nature placed it in common conſent only. Mr. Pierpoint farther obſerved, that the countryman followed the plough with alacrity when he thought himſelf aſſured of his right of property and freedom; but when he had loſt that aſſurance, idleneſs was regarded as wiſdom, ſince induſtry itſelf could not ſecure a man from beggary. Mr. Waller, who enforced the charge againſt judge Crawley, obſerved, that tho' the delinquent had, by a ſuppoſed neceſſity, declared the diſſolution of law, yet he had proceeded to condemnation and puniſhment; as if the law was in force for our deſtruction, and not for our preſervation; that it had power to kill, but none to protect. On every county a ſhip was annually impoſed, and who would not have expected that the ſeas would have been covered with our ſhips? But the daily complaints of the decay

decay of our navy *, and the many petitions from the families of the captives at Algiers, ſhewed, that to make us ſlaves at home was not the way to keep us from being ſlaves abroad †; and that the judgment in the caſe of ſhip-money had been ſo far from relieving the preſent, or preventing the future neceſſity, that, as it had changed our real property into the ſhadow of a property, ſo of a feigned, it had made a real neceſſity. Mr. Waller introduced the ſtory of the Roman citizens refuſing to fight the Sabines, whilſt they were commanded by the decemviri, and preferring a preſent diminution of their honour, rather than by victory to confirm the tyranny of their new maſters. This he applied to the late behaviour of the army againſt the Scots; and added, that not only the reſtitution of the Engliſh laws, but the reſtoration of Engliſh courage, depended on the juſtice of the Lords. "Your lordſhips have been often told, added he, how careful your anceſtors were, though with the hazard Ann. 1641.

* Notwithſtanding the aſſertions that are to be found in hiſtory concerning the proper application of ſhip-money, the navy was at this time in a very low condition; the proviſion of the magazines was decayed, and the arrears of the naval officers very great; a debt of an hundred and thirteen thouſand pounds was incurred. *Ruſhworth*, vol. IV. p. 356. *Nalſon*, vol. II. p. 460.

† The depredations of theſe pirates on the Engliſh ſubjects had been very enormous through the whole courſe of this reign: the parliament at length prevailed on the King to give liberty to certain adventurers to ſet forth ſhips at their own charges, without giving any account to the King or lord-admiral of what Turkiſh prizes they took. By the King's deſire, theſe laſt words were altered to, "Without paying any duty to the King or lord-admiral," leaving the parties free to diſpoſe of men, goods, and ſhips, to their beſt advantage. *Ruſhworth*, vol. IV. p. 203, *& ſeq.*

of

Ann. 1641. of their lives, to leave those rights and liberties as entire to posterity as they received them from their fathers: what they did with labour, you may do with ease; what they did with danger, you may do with security." Mr. Hyde enforced the charge against the three barons of the Exchequer: they had, he said, in a tame and easy trance of flattery, lost and forfeited that reputation, awe, and reverence, which the wisdom, courage, and gravity of their venerable predecessors had contracted and procured to the places they held, and rendered that profession, which in all ages had been of honourable estimation, contemptible and vile. On the dispute between the King and his subjects, in regard to tonnage and poundage, Mr. Hyde observed, that the judgment on the point was not so great a crime in the judges, as that they presumed to judge at all, seeing that the matter was undetermined by parliament*. On the subject of knighthood, that there was in the judges a contradiction of crimes: in Malverer's case they could impose no fine, only they had found a trick, which they called the course of the court, to make his majesty a saver. Let the subject appear, plead, submit to the mercy of the court, issues went on still, as if he had done neither, till he did somewhat that the court would not order, nor was bound to take notice of when it was done. At the same time that the Commons sent up these impeachments against the delinquent

* This is not strictly true; because, before the judgment which Mr. Hyde alludes to, viz. Vassal's case, the Commons had strongly declared against the King's exacting tonnage and poundage without assent of parliament.

judges,

judges *, they recommended to the Lords to take into their conſideration the merits of Sir Randal Crew; who, from having given his opinion againſt loan-money, was removed from his office of lord-chief-juſtice of the King's-Bench, and damaged in his fortune, by the deprivation of the profits of that place, twenty-ſix thouſand pounds. Ann. 1641.

After repeated ſolicitations from the Commons, the King at length found himſelf obliged to diſband his Iriſh army; but at the ſame time he acquainted both houſes, that he had promiſed to lend theſe troops to the kings of France and Spain. The Lords acquieſced; but the more cautious Commons, juſtly fearing that it was an artifice of the King's to keep on Ruſhworth, vol. IV. p. 381, & ſeq.

* One of the articles againſt Sir Humphrey Davenport, chief-baron of the Exchequer, was, that on the ſentence of degradation againſt Smart, prebend of Durham, a trial was afterwards had concerning the corps of the prebend. Sir Humphrey Davenport preſiding, he, contrary to his oath, directed the jury to find againſt Smart; and being then informed by Mr. Smart's counſel, that though Mr. Smart were dead, or deprived, yet the profits of his prebend were due to his executors till the Michaelmas following, anſwered, that though he was not dead, yet he deſerved to have been dead a great while ago; that he had no remedy, ſave by application to the King, and there he ſhould find but cold comfort, for the King would not go againſt his own prerogative. On Sir Humphrey Davenport's not being charged with the judgment on ſhip-money, Mr. Hyde obſerved, that though he failed in making a concluſion from his premiſes, yet he quickly repented that that miſchief was done without him, and made all poſſible haſte to redeem himſelf from the imputation of juſtice, declaring publicly in the face of the country, that it was adjudged by all the judges of England, that ſhip-money was due to the King; and thereupon impriſoned a poor man for doing that, which, if ſhip-money had been due to his majeſty, had been lawful for him to have done. *Ruſhworth*, vol. IV. p. 344, & *ſeq.*

Ann. 1641. foot a Popiſh army, ready trained and diſciplined, which he might always be ſure of having at command, abſolutely refuſed their aſſent. The King ſhewed himſelf determined to ſtand to his engagement; but was prevented from effecting it, by both houſes publiſhing a declaration, that whoever ſhould aſſiſt in tranſporting the Iriſh troops to any foreign country ſhould be deemed an enemy to the ſtate *.

Journals of Commons, vol. II. p. 285.

DURING theſe tranſactions, the Commons came to ſome very ſpirited reſolutions concerning the liberties of the ſubject, and the privileges of parliament †.

* Sir Benjamin Rudyard very warmly oppoſed the complying with the King's promiſe. "If it were policy, he ſaid, to breed a militia at the charge of other ſtates, that ought to be done amongſt friends of the ſame religion; if theſe troops were ſent away at the very time that there was an ambaſſador treating with the emperor about the Palatinate, it would convince the world that that embaſſy was but a ſham. He had been ever againſt ſending the Iriſh into Spain; beſides, it would be very prejudicial to England if the Spaniards prevailed over the Portugueſe. Spain had had too much connivance and aſſiſtance heretofore; it had loſt the Palatinate; he hoped now it was come to the parliament's turn to direct, they would not act over other mens faults." In this ſpeech Sir Benjamin Rudyard inculcated this wiſe maxim, that the ſubjects of Great Britain might be much more profitably employed in cultivating the land, than being formed into ſtanding armies, and thus rendered uſeleſs, if not dangerous, to the community. *Ruſhworth*, vol. IV. p. 381, *& ſeq.*

† Reſolved, that the iſſuing out warrants from the lords and others of the privy-council, compelling Mr. Hollis, and other members of parliament, to appear before them, is a breach of the privilege of parliament by thoſe privy-counſellors.

Reſolved, that the committing Mr. Hollis, and the reſt, by the lords and others of the privy-council, during parliament, is a breach of the privilege of parliament.

Reſolved,

An order was likewiſe paſſed, that all the ſhip-money remaining in the ſheriffs' hands ſhould be repaid; and, that the ſcourge of prerogative might no longer terrify the judges from executing uprightly the duties of their office, the parliament inſiſted that their patents, Ann. 1641.

Reſolved, that the ſearching and ſealing of the chamber, and ſeizing of the papers of Mr. Hollis, Mr. Selden, and Sir John Elliot, being members of this houſe, during parliament, is a breach of the privilege of parliament.

Reſolved, that the exhibiting an information in the court of Star-chamber againſt Mr. Hollis, and the reſt, for matters done in parliament, being members of parliament, is a breach of the privilege of parliament.

Reſolved, that there was a delay of juſtice towards Mr. Hollis, and the reſt that appeared upon Habeas Corpus.

Reſolved, that the continuance of Mr. Hollis, and the reſt of the members of parliament, 3 Car. in priſon, by the then judges of the King's-Bench, for not putting in ſureties to good behaviour, was without juſt or legal cauſe.

Reſolved, that the exhibiting the information in the King's-Bench againſt Mr. Hollis, Sir John Elliot, and Mr. Valentine, being members of parliament, was a breach of the privilege of parliament.

Reſolved, that the judgment given upon a *nihil dicet* againſt Mr. Hollis, Sir John Elliot, &c. and the fine thereupon ſet, and their ſeveral impriſonments, was againſt the law and privilege of parliament.

Reſolved, that Mr. Hollis, Mr. Stroude, Mr. Valentine, Mr. Long, and the heirs and executors of Sir John Elliot and Sir Miles Hobart, reſpectively, ought to have reparation for their reſpective damages and ſufferings, againſt the Lords and others by whoſe warrant they were apprehended and committed, and againſt the counſel that put their hands to the information in the Star-chamber, and againſt the judges in the King's-Bench.

Reſolved, that Mr. Laurence Whitacre, a member of this houſe, be ſent to the Tower for ſearching the trunks of Sir John Elliot, and for ſeizing and carrying away his papers.

Ruſhworth, vol. IV. p. 347.

Ann. 1641. which had been granted by Charles *durante bene placito*, ſhould be changed to *quamdiu ſe bene geſſerint*.

The Star-chamber verdict againſt the city of London reverſed. Journals of Commons, vol. II. p. 272.

THE judgment given in the Star-chamber againſt the city of London, for breach of covenant, coming before the lower houſe, it was reſolved, that the court of Star-chamber, whilſt it ſtood as a court, had no power to examine matters of freehold or inheritance, nor determine breach of covenant and truſt; that in all proofs of the cauſe, there did not appear matter ſufficient to convict the city of London of any crime; that, upon the whole matter, the ſentence was unlawful and unjuſt; that the King ought to pay the money he had received upon compoſition; that the citizens of London ought to be diſcharged of the judgment *, and be reſtored to the ſame ſtate they were in before the ſentence in the Star-chamber †.

* The King's commiſſion, proclamation, and the Star-chamber proceedings, on the buſineſs of ſoap-making, was at the ſame time cancelled and declared illegal; that the reſtraining of the ſubjects, the examination of them by oath againſt themſelves, was contrary to law; and that the ſeveral parties who were covenanters were delinquents, and ought to make amends to the commonwealth, and to thoſe individuals who had been oppreſſed in conſequence of the covenant. *Journals of the Commons*, vol. II. p. 260, 299.

† A diſpute which aroſe about this time between the lord-mayor and commonalty of the city of London, concerning the election of a ſheriff, was brought into the houſe of Lords. The citizens were at this time the great creditors of the nation: the parliament were now applying to them for the loan of forty thouſand pounds, towards diſbanding the Scotch army; therefore the Lords, not caring to offend either ſide, ſettled the election of the ſheriffs in the commonalty for the enſuing year, with a ſalvo for both parties. *Nalſon*, vol. II. p. 318, 456.

WHILST

WHILST the Commons were thus aſſerting the dignity and authority of parliament, and eſtabliſhing the privilege of the ſubject, Charles, who looked with diſdain on their pretenſions, and with horror on their power, was plotting new ſchemes to regain his loſt prerogative: he had flattered himſelf, that fair words, with a few conceſſions, and correcting ſome of the groſſeſt abuſes of government, would have obtained from the Commons a ſupply ample enough to have revenged himſelf on his Scotch ſubjects. On theſe hopes he called a parliament; whilſt himſelf and his creatures endeavoured to foment thoſe feuds which had ever ſubſiſted between the two nations. On the meeting of this aſſembly, he found, from the ſtrong coalition of the Scotch army with the prevailing party in parliament, that his invaſions on the liberties of both people had given riſe to an union which baffled all his attempts to revive ancient jealouſies; and that the Scots were to ſerve as auxiliaries to that faction in England who had moſt powerfully oppoſed his arbitrary pretenſions. If the oppoſition of that Northern kingdom had rouſed and enflamed his monarchical pride, how much more ſtrongly was his reſentment excited at the progreſs of the reformation which was daily making in Engliſh politics. Were the utmoſt pretenſions of the Scots carried into execution, thoſe immunities, yielded from neceſſity, might, on the firſt favourable opportunity, be eaſily regained, whilſt the power of the crown continued unſhaken in the reſt of the Britiſh dominions. But when England, that ancient ſeat of monarchical pomp, who had long bowed her neck to the yoke of tyranny, Ann. 1641.

Ann. 1641. tyranny, when ſhe aſſumed a popular government, aſſerted her native rights, and threw off the galling chains of regal and eccleſiaſtical power, what could ſtop the progreſs of Liberty, and in what part of the Britiſh empire could deſpotiſm hope to re-aſſume its claims? On this view of the ſtate of affairs, Charles adopted new meaſures; he found that the Scotch commiſſioners had obtained all their demands of the Engliſh parliament, that they had been wooed by this aſſembly, with the utmoſt extent of liberality, to keep honeſtly to the promiſes and declarations they had made of aſſiſting England in perfecting the ſame reformation in its government, as they pretended to eſtabliſh in their own country. To deſtroy, therefore, a harmony which had hitherto compaſſed ſuch notable atchievements, and, if poſſible, bring over the Scots to the royal intereſt, was at preſent the ſole view of the King. He ſtifled the reſentment he had hitherto ſhewn, and ſtrove, if poſſible, to outvie the parliament in courteſy towards the Scots. His party forwarded every motion which had been made in their favour. It was already voted, that before they left the kingdom, they ſhould be paid the arrears of the monthly allowance, and eighty thouſand pounds out of the ſum of three hundred thouſand pounds agreed to be given them for their brotherly aſſiſtance, and to receive parliamentary ſecurity for the reſidue to be paid in two years *. The Scotch commiſſioners had

Conceſſions to the Scots.

* This profuſion of favour excited jealouſy. The earl of Briſtol could not help ſaying, in a conference concerning the treaty, that the Scotch invaſion had already coſt the nation eleven hundred thouſand pounds. *Ruſhworth*, vol. IV. p. 360.

Charles

ſent in a propoſition, that they deſired, as a ſpecial means for the preſerving peace between the two kingdoms, a perfect unity in religion, and uniformity of church-government. The Commons, far from expreſſing any diſpleaſure at this intermeddling, returned this civil anſwer, "That they did approve of the affection of their brethren in their deſires of uniformity in religion, and did give them thanks for it: and as they had already taken into conſideration the reformation of church-government, ſo they would proceed therein as ſhould beſt conduce to the glory of God, and the peace of the church." The Scots were ſo intent on this point, that they made it one of the articles of the treaty of peace; and Charles, even on this tender ſubject, did not deviate from the complaiſance of the parliament. Every thing that the Scots demanded for the ſecurity of their civil rights was granted them *. In the point of puniſhing offenders, Ann. 1641.

Charles aſſented to the mortifying condition, that the Scots ſhould be declared good ſubjects, and their invaſion approved of as a laudable enterprize. This condition, by a vote of parliament, was ordered to be read in all churches, upon the day of thankſgiving appointed for the national pacification. Biſhop Williams, whoſe conduct ſince the meeting of this parliament had already given great diſtaſte to the Commons, very officiouſly compiled a ſet office for the ſervice of the day of thankſgiving; a declaration paſſed the lower houſe, that Williams had no power to ſet forth any prayer, and therefore the houſe did order, that that prayer ſhould not be read in the liberties of Weſtminſter, or elſewhere, and that it ſhould be taken into conſideration. *Nalſon*, vol. II. p. 476, *& ſeq.* *Journals of Commons*, vol. II. p. 274.

* One of the articles that the Scots demanded was, that an act ſhould be paſſed in the parliaments of England and Ireland, that the kingdoms of England and Ireland ſhould not denounce or make war againſt the kingdom of Scotland, without conſent of the parliament of

Ann. 1642. Charles agreed, that proceedings ſhould go on againſt them in Scotland, and that they ſhould be no more employed in Scotch affairs *.

of England; the parliament of Scotland paſſing an act there, that the kingdom of Scotland ſhould not denounce or make war againſt the kingdoms of England and Ireland, without conſent of the parliament of Scotland; and that no ſhips ſhould moleſt the trade of either kingdom without conſent of parliament, declaring a breach of peace; the ſtates of the country to puniſh the offenders of this act; which, if they neglected to do, the neglect was to be counted a breach of the peace of the whole kingdom: if any of the ſubjects of any of the kingdoms ſhould riſe in arms without the conſent of parliament, that then it ſhould be lawful for any of the ſubjects to convene to ſuppreſs ſuch evil-affected perſons: and if either parliament ſhould denounce war, they ſhould give three months notice: and that an act ſhould be made in the parliament of England for ratifying the treaty, which is alſo to be ratified in the parliament of Ireland: and that this treaty, and whole proceedings thereof, may be likewiſe ratified in the parliament of Scotland, and a firm peace eſtabliſhed; it is deſired that his majeſty may be now pleaſed to declare, that the enſuing parliament of Scotland may have full and free power, as the nature of a free parliament of that kingdom doth of itſelf import, to ratify and confirm the treaty and whole articles thereof; and to receive account of all commiſſions granted by them, examine their proceedings, and grant exonerations thereupon; and to treat deliberately, conclude, and enact, whatſoever ſhall be found conducible to the good and peace of that kingdom; and that his majeſty's commiſſioners ſhall be authoriſed with full power to approve whatſoever acts and ſtatutes, which ſhall be accorded unto by the eſtates on that behalf, and ſhall ſit and continue without interruption or prorogation, while all things neceſſary for that effect be determined, enacted, and brought to a final concluſion. The act of oblivion not only juſtified whatever had been done in oppoſition to Charles's government, but excepted from pardon all thoſe who, by his commiſſion, had acted in oppoſition to the intended reformation. *Ruſhworth*, vol. IV. p. 372.

* The Scotch prelates, the earl of Traquaire, Sir Robert Spotſwood, Sir John Hay, and Balcanqual, who had drawn up Charles's declaration againſt the Scots, were the perſons excepted out of the act of oblivion.

WITH this management the arts of corruption were not omitted: they had proved very ſucceſsful ſince the death of the offender Strafford had diſſolved that union general hatred to his perſon and rage for juſtice had occaſioned. The force of flattery and promiſes daily gained proſelytes to the monarchical faction in parliament. The earl of Rothes, who was one of the chief confidants of the covenanters, was won over to the King's intereſt with the promiſe of being made gentleman of the bedchamber, and marrying a rich Engliſh heireſs, the counteſs of Devonſhire *. The Scotch commiſſioners were not inexorable: the complaiſance of the Engliſh parliament had filled them with ſuch high notions of importance, that they perſuaded the King, that their intereſt, with his perſonal preſence in the Scotch parliament, and a total compliance in matters of religion, would procure him a party ſtrong enough to over-awe his oppoſers. Whilſt the treaty was concluding in England, the diviſions in Scotland had run high: the power and influence of Argyle had occaſioned ſuch jealouſy, that Montroſe, who mortally hated this nobleman,

Ann. 1641.

Burnet's Hiſt. vol. I. p. 30.

Memoirs of the Duke of Hamilton, p. 184.

oblivion. To ſave Charles the pangs of delivering up men who had done evil through his inſtigation, various expedients were propoſed and rejected: at length it was determined, that though they ſhould be judged by the parliament, yet the cenſure ſhould be remitted to the King.

* It was not from any ſtruggling principle of honeſty, that he was not gained before. Burnet tells us, that Spotſwood had once made a bargain between him and the King before the commotions; but that the affair was broke off by the cabals of the earl of Traquaire, who could not endure that Rothes ſhould be raiſed above him. *Burnet's Hiſt. of His Own Times*, vol. I. p. 28.

Ann. 1641. was enabled to form a conſiderable aſſociation for the King. This aſſociation was diſcovered by the covenanters, and ſome of his friends were ſent to priſon; Montroſe accuſed Argyle and his followers with an intent to depoſe the King; and prevailed with one Stewart to give under his hand, that he had heard Argyle make ſuch a propoſal. Stewart was committed to priſon: he retracted his evidence, as extorted from him by Montroſe; and a proſecution was ſet on foot againſt this incendiary, who imagined himſelf to be of ſuch conſequence, that he ſent flattering aſſurances to the King, that when he was ſupported by his preſence, he ſhould be able to retrieve his affairs with a high hand. Thus encouraged, Charles determined on a journey to Scotland; not without hopes that, in his progreſs through the North, he might find means to gain the Engliſh army.

Embaſſy and manifeſto in favour of the Palatinate family. Ruſhworth, vol. IV. p. 308, & ſeq.

To prevent any jealouſies that might ariſe, and to cajole both houſes into good humour, at the ſame time that he informed them of his intended viſit to Scotland, he aſked their advice and aſſiſtance concerning an embaſſy and manifeſto *, in favour of his ſiſter's

* The manifeſto acknowledged, that both Charles and his father had been groſly deluded by the courts of Vienna and Madrid; that their pious inclination and regard for peace had induced them to omit divers occaſions whereby they might have prevented the violences and oppreſſions uſed to the Palatinate family; that they had not only been drawn to forbear to engage in ſo juſt a cauſe, but had procured the diſbanding the forces of count Mansfeldt, and had cauſed the ſurrender of ſome places of ſtrength into the hands of the late infanta of Spain. Charles addreſſed his parliament in a very different ſtyle from what he had hitherto uſed: "I take an occaſion, ſaid he, to preſent that

distressed family, which he proposed to send to a diet to be held at Ratisbon. Many members of the Commons' house shewed their zeal in this business. Sir Simon d'Ewes accused the Jesuits of having been the occasion of that bloody war which for the space of twenty years had ravaged Germany: he traced the troubles of the empire from the competition to the dukedoms of Cleves and Juliers to the present time; related the politics of the court of England, including the Spanish treaty, and archly enough said, that he hoped the parliament would verify that excellent and heroic expression of prince Charles, "Look for neither marriage nor friendship, without the restitution of the Palatinate *." Sir Benjamin Rudyard, a great partizan of the Palatine family, earnestly exhorted the house to give weight to the King's manifesto, by publicly declaring an approbation of the same. The following resolution was the issue of this debate: Ann. 1641.

that to both houses whereby I hope all the world shall see there is a good understanding between me and my people: It is concerning my nephew, the elector-palatine; who having desired me and the king of Denmark to give consent to a writing concerning the diet at Ratisbon with the emperor, I could not but send my ambassador to assist him, though I am afraid I shall not have so good an answer as I expect; which my nephew foreseeing, hath desired me, for the better countenancing of the same, to make a manifest in my name; which is a thing of great consequence, and if I should do it alone, without the advice of my parliament, it would rather be a scorn than otherwise: therefore I do propose it unto you, if you will advise me to it. I do think it were fit to be published in my name." Sir Thomas Roe, a staunch friend of the Palatine family, was entrusted with this embassy. *Rushworth*, vol. IV. p. 308.

* Charles had lived in a perfect friendship with the court of Spain for some time.

Ann. 1641. "That the Commons did approve of his majesty's pious intention in behalf of the Palatine family; and if the present treaty should not succeed, they would be ready to give him such advice and assistance as should stand with his honour, and the interest and affection of the kingdom." The Lords concurred with the Commons in this resolution, and both houses desired the King to recommend the manifesto to the parliament of Scotland, that the concurrence of that kingdom might be likewise obtained *.

THE benefits which the English parliament, and particularly the lower house, had conferred on the Scots, were of a nature that exacted a return of the utmost gratitude: on this presumption, the Commons placed such a confidence in this people, that, dreading no treachery from their quarter, they were not at first disgusted at the King's intention to pay them a visit; but some papers, written in a cypher from Montrose and his party in Scotland, having been discovered and produced, the Commons took the alarm, and, by the following resolutions, seemed to apprehend that the King had some design of putting himself at the head of the Scotch forces, and that he hoped for the concurrence of the English army: "Resolved, that both houses be humble suitors to his majesty, that the armies may be disbanded before the King's going into the North; that every part of the kingdom be put

* Mr. Hampden informed the Commons, that the earl of Essex had received letters from the queen of Bohemia, wherein she gave humble thanks to the parliament for their regard and consideration of her. *Parl. Hist.* vol. IX. p. 461.

into

into a poſture of defence againſt all oppoſition what- Ann. 1641.
ſoever; that all counties, eſpecially the northern, be well ſtored with ammunition and arms, and that the trained bands be exerciſed; that an eſpecial eye be had over all counties where the Papiſts are moſt reſident, and that all public bills for the peoples' ſafety be expedited whilſt the King is among us; that ſome courſe may be taken for the taking off all aſperſions that have been raiſed concerning the parliament; ſome care to be taken for her majeſty's ſafety, and the ſafety of the King's children; and that ſome perſon of credit, quality, and truſt, may be thought of, to be always near the queen, in the time of the King's abſence." A committee was immediately appointed to draw up the heads of a conference with the Lords. Mr. Pym, chairman of the committee, managed the conference. Ten propoſitions were offered: the firſt concerned the ſpeedy diſbanding of the armies: the ſecond inſiſted on the King's putting off his journey till this was effected, and the buſineſs of importance depending in parliament diſpatched: the third, that the King ſhould remove from his councils thoſe who had ſhewn themſelves malevolent againſt the peace of the kingdom, and fill up their offices with ſuch whom the parliament could confide in: the fourth, that the queen ſhould take ſuch perſons into her confidence, that Jeſuits and prieſts ſhould be reſtrained from coming to court, and the college of capuchins at Somerſet-Houſe diſſolved: the fifth, that the King's children might be put under the tuition of perſons of public truſt, and well affected in religion: the

ſixth,

Ann. 1641. ſixth, that any perſon who ſhould come into the kingdom with inſtructions from the pope, ſhould be declared guilty of high-treaſon: the ſeventh, that the militia ſhould be put in a good poſture and made fit for ſervice, that its officers ſhould be approved by parliament, and that an eſpecial oath, authoriſed by law, and ſuch as might ſecure the public in this time of danger, might be impoſed on them; that the five ports, and all the ports of the kingdom, might be put into good hands, and eſpecial care taken for their reparation and proviſion; that the lord-admiral ſhould inform the parliament in what ſtate the navy was, and that it ſhould be provided for out of tonnage and poundage for the ſecurity and peace of the kingdom: the eighth, that a general pardon ſhould be drawn up: the ninth, that a ſtanding committee ſhould be appointed by both houſes to confer together on particular caſes: the tenth, that the King would be ſparing in ſending for Papiſts to court, that the laws might be put in execution againſt thoſe who came unſent for, that recuſant ladies ſhould be removed from court, that the perſons of active Papiſts ſhould be reſtrained, and no penſions allowed to ſuch recuſants as were held dangerous. The Lords agreed with the Commons on the main of theſe articles, but objected to that which related to the queen, on the pretence that it was contrary to the King's marriage articles *. The Commons not only defended their ten

* The King's marriage articles were neither approved or aſſented to by parliament, and conſequently they had a right to inſiſt on their not being executed, if found dangerous, or otherwiſe offenſive. All private

propoſitions, but in a few days ſent up five additional ones, concerning the preventing Papiſts being harboured in the houſes of foreign ambaſſadors; the diſmiſſing them from all places of truſt; that the arms which had been taken from the ſeveral counties ſhould be reſtored *; and that the houſe of Commons ſhould have ſuch gunpowder out of his majeſty's ſtore, as might be ſpared, paying after the rate of ten-pence a-pound; and that, if his majeſty could ſpare any arms out of his ſtores, they would purchaſe them. The King aſſented to the five additional propoſitions, without giving a ſatisfactory anſwer to many of the others; but the Lords, who had now perfectly agreed with the Commons, appointed a ſtanding committee to meet with a committee of the lower houſe, to confer about ſuch courſes as ſhould be moſt effectual for the reducing all the propoſitions to effect for the public good. Ann. 1641.

Proceedings againſt the pope's nuncio, and other Papiſts. Journals of Commons, vol. II. p. 185, & ſeq. Ruſhworth, vol. IV. p. 300.

ROSSETTI, the pope's nuncio, and father Philips, the queen's confeſſor, having been mentioned as two of the moſt noxious agents about the court, it was reſolved that they ſhould be ſent for to attend the committee for the propoſitions. Roſſetti fled the kingdom; but father Philips had the imprudence to tell

vate reſpects ought to give way to public good. The Commons, in a conference with the Lords on this ſubject, declared there were ſome things in them contrary to law.

* The King, intending to make a magazine of military ſtores in the caſtle of Edinburgh, had in ſeveral counties taken from the trained bands their arms, and ſent them into Scotland. *Rapin*, vol. II. p. 230.

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Ann. 1641. the meſſenger, that the queen had ordered him not to obey the ſummons till ſhe had ſpoken with the King, and that he would follow her directions before the commands of the houſe of Commons. When the Commons were informed of this inſolence, they ſent a warrant to bring Philips before them as a delinquent. Philips for ſome time ſheltered himſelf at Whitehall; but on a complaint of the Commons, that the King's houſe was made a ſanctuary for criminals, he made a voluntary appearance, where, on his knees, he attempted to excuſe his abſurd oppoſition. After remaining ſome time in cuſtody, he was ſent to the Tower, and twelve articles of a ſeditious and criminal conduct were drawn up againſt him. It was referred to the committee for the Popiſh hierarchy to enquire what penſions were allowed to Philips and others for the ſeducing to Popery the children of Proteſtants, and what penſions were allowed to ſeminaries beyond the ſeas, and to prieſts within the kingdom.

The Commons were kept in perpetual alarm that dangerous deſigns were carrying on againſt the infant ſtate of Liberty. The King continued reſolute not to poſtpone his journey to Scotland till the armies ſhould be diſbanded; and what rendered this inflexibility more ſuſpicious, he prevailed with the Scotch commiſſioners to preſent a paper to the Commons, giving ſome unſatisfactory reaſons why their deſires could not be complied with. On the intelligence that ſome French forces were marching towards Picardy, and that the queen intended to leave the kingdom under the

Farther proceedings againſt delinquents on the army plot.

the pretence of want of health, they entered into new enquiries on the army plot: commiſſary Wilmot, colonel Aſhburnham, and colonel Pollard, were committed to priſon, and their pay as officers ſtopped *. All foreign letters, both outward and inward, were ordered to be opened; and the King was addreſſed by both houſes againſt the queen's intended journey †. Ann. 1641.

* Mr. Selden ſpoke in favour of theſe delinquents, and urged, that they were not only acquitted, but pardoned, by the act of pacification. To this the houſe objected, ſaying, that that act was not to be ſo interpreted, for, if it was, the archbiſhop of Canterbury, and other notorious offenders, could not be proceeded againſt. Although Clarendon accuſes the Commons of being in this caſe guilty of a ſubterfuge, to prevent the archbiſhop of Canterbury, and other offenders, eſcaping with impunity, yet in this point they were very conſiſtent, having all along declared, with the Scots, that the great delinquents ſhould be held excluded out of any act of oblivion, or general pardon. The parliament aſſented to the proviſo in the act of pacification, put in by the Scotch commiſſioners, viz. That no benefit in the act ſhould extend to the Scotch prelates, or others purſued as incendiaries between the two kingdoms, and betwixt the King and his people, on condition that it ſhould be reciprocal between both nations; and the Engliſh commiſſioners for the treaty did aver, that they never did intend that the act of pacification ſhould extend farther than to things paſt between the two kingdoms of England and Scotland in matters of hoſtility, and things thereunto belonging. *Nalſon*, vol. II. p. 625. *Parl. Hiſt.* vol. IX. p. 378.

† The addreſs ſet forth, that there was cauſe to doubt that the Papiſts had ſome deſign in her majeſty's journey, for they had ſold their lands, and been very diligent in gathering together ſums of money; many of the better ſort were gone beyond ſea; and the houſe of Commons had received information of great quantities of treaſure in jewels, plate, and ready money, packed up to be conveyed away with the queen; and becauſe they underſtood, by her majeſty's phyſician, that the chief cauſe of her ſickneſs proceeded from diſcontent of mind, they thought good to declare, that if any thing within the power of parliament

Ann. 1641. This interpoſition gave ſome interruption to the queen's ſchemes: ſhe found it neceſſary to comply with the requeſt of parliament; and the Commons, in return for what they civilly termed an obligation, voted her the thanks of both houſes, and inſtantly went upon a bill for the ſettling her jointure.

THE preſent ſituation of affairs continued in a tickliſh poſture. The King was peremptory in his reſolution to viſit Scotland. Neither army was diſbanded. Many members of both houſes, either from levity, corruption, or rooted prejudices, grew cool to the popular intereſt; and the conduct of the Scotch commiſſioners was refractory and ſuſpicious. Theſe difficulties did not prevent the oppoſers of the court from proceeding with firmneſs and vigor. They yet maintained a conſiderable majority in the lower houſe, and they exerted their power with great ſpirit againſt the corrupt influence of the royal faction. The lord Digby, who, ſince his diſaffection, had oppoſed all their meaſures with a daring boldneſs, fell under the laſh of their ſevereſt cenſure. Vain of his abilities as a ſpeaker, he had publiſhed his ſpeech againſt the bill of attainder, after that bill had paſſed both houſes, and after he had been queſtioned for the freedom he had uſed in the ſame ſpeech. The Commons looked upon this as a high contempt of their authority; and the King having rewarded Digby's apoſtacy with call-

liament could give her content, they would be ready to farther her ſatisfaction in all things, ſo far as might ſtand with that public---(*good*) to which they were obliged. *Parl. Hiſt.* vol. IX. p. 449, *& ſeq.*

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ing him to the houſe of peers, ſo the Commons, to Ann. 1641.
ſignify their reſentment, ordered his ſpeech to be burnt by the hands of the hangman, and paſſed a reſolution, that the Lords ſhould be moved to join in a petition to the King, that he would forbear to confer any honour and employment on a perſon who had deſerved ſo ill of the parliament. The Commons were now in the utmoſt perplexity: they found innumerable difficulties in diſbanding the army, on account of the ſlow coming in of the poll-money *;

* For the ſpeedy raiſing of ſo large a ſum as was neceſſary to the diſbanding the army, an order paſſed both houſes for the bringing in and melting of plate. Among the reſolutions that paſſed in the buſineſs of raiſing money, the following one cut up the evil of arbitrary impoſitions by the roots. Reſolved, that the eſtates of all ſuch perſons, living or dead, as have, by colour of any patent, received from the ſubject, under pretence of cuſtom, over and above that three-pence in the pound anciently due unto the King by law, or have been ſharers with the patentees, ought to be made liable to reſtitution for ſo much as appears, by their accounts and confeſſions, to be clearly gained by them. This reſolution, which exacted a juſt retribution of public property, has been cenſured by a very judicious hiſtorian as a ſtretch of arbitrary power not founded in equity, becauſe the right of impoſing had been adjudged to the King by the courts of Weſtminſter-hall. The profligate dependance of thoſe courts were in this reign very notorious; and in caſes of private property, the man who wilfully or ignorantly purchaſes a falſe title, ſubjects himſelf and his heirs to the hardſhip of refunding whenever the right owner can make good his claim. The parliament had always controverted the pretenſions of the crown in this point; and it has been already obſerved, that the King, by the conſtitution, is ſo far a minor as not to be accountable for committing offences againſt the laws. This being the caſe, there can be no other means for ſecuring the ſubjects from the encroachments of power, but by rendering all its inſtruments liable to ſevere cenſures. An honeſt man, who is fond of Liberty, will take care to inform himſelf of every conſtitutional point which relates to the privilege of the ſubject. Ignorance itſelf is not, in a caſe of ſo high an importance, a

Ann. 1641. and the Scots ſignified a determination not to depart the kingdom till the arrears of the monthly allowance were paid, and eighty thouſand pounds of the bounty money *.

On Auguſt the ſeventh, the Commons ſent to deſire the Lords to concur with them in petitioning the King to put off his journey, urging that they had only aſſented † to it on a ſuppoſition that they could have

ſufficient excuſe; becauſe that very ignorance is in ſome degree criminal, ſince it may be avoided, and renders men liable to become tools to the higher inſtruments of oppreſſion. It was this vote that raiſed a hundred and fifty thouſand pounds compoſition-money from the farmers of the cuſtoms.

At this time the following juſt cenſure paſſed upon the vintners. "Reſolved, that the company of vintners, by their offer of forty ſhillings *per* ton upon wines to his majeſty, and demand of liberty to raiſe the price of wines, are contrivers of the ſaid unlawful impoſitions, and delinquents."

Notwithſtanding the difficulty the Commons found to raiſe a ſufficient ſum to pay the army, they were ſo deſirous of getting rid of the queen-mother, and her train of Papiſts, that being told ſhe was ready to depart if money could be procured for ſending her away, they conſented to allow ten thouſand pounds of the poll-money for that purpoſe.

This princeſs retreated to Cologne in Germany, where ſhe died in a ſhort time, without having had other ſupport than what ſhe obtained from the parliament and court of England. *Journals of the Commons*, vol. II. p. 218. *Ruſhworth*, vol. IV. p. 317.

* They refuſed the repeated deſires of the Commons to diſband their army, and forbear inſiſting for five or ſix weeks on the payment of forty thouſand pounds of the eighty they were to receive for brotherly aſſiſtance, upon perſonal or any other ſecurity they ſhould think fit. *Journals of the Commons*, vol. II. p. 220.

† They had aſſented to his going on the tenth of Auguſt, and ſent the lord-general down to diſband the army, on a ſuppoſition that the poll-

effected the diſbanding the army. The King was then petitioned either to ſtay fourteen days longer, or to appoint one or more perſon or perſons to have the power of a *locum tenens* during his abſence; and that ſuch perſon or perſons ſhould have power to give the royal aſſent in parliament *. On theſe debates the Commons ſat till ten o'clock on the Saturday-night, and all the next day †, plying the King with conti- Ann. 1641.

poll-bill would have brought in money to pay both them and the Scots. The earl of Holland was appointed general in the room of the earl of Northumberland, who had reſigned. The earl of Holland made a motion, that the parliament ſhould grant him a power to exerciſe martial law, under pretence that without ſuch an authority there would be great tumults and diſorders. The Lords ſeemed to acquieſce; but the Commons, more tender of public liberty, rejected the motion, and reſolved, that the mutinous ſoldiers ſhould be puniſhed by the civil powers; and that the juſtices of peace, and other civil officers, in the counties through which they paſſed to the places of their abode, ſhould provide for their orderly conducting. *Journals of the Commons*, vol. II. p. 188. *Naſſon*, vol. II. p. 318.

* Clarendon is very free in his cenſures on the Commons for making ſuch a requeſt: he calls it an extravagance they did not underſtand, and that no ſuch commiſſion could be legally granted. It was not only aſſerted in the debates on this ſubject in the lower houſe, that the ancient and conſtant courſe in all times had been always to have a *locum tenens* in the King's abſence, a parliament ſitting not limited to any particular matter, but precedents were brought to ſupport this aſſertion. *Journals of the Commons*, vol. II. p. 240.

† "Ordered, that the houſe be called over on Wedneſday ſe'nnight, and that the knights, citizens, and burgeſſes, do ſend down to the ſheriff of every county, requiring their members to return, on pain of incurring the diſpleaſure of the houſe.

"Ordered, that the houſe ſhall meet tomorrow, being Sunday, concerning the peace and quiet of the kingdom.

"Reſolved,

Ann. 1641. nual meſſages to put off his journey. Theſe entreaties were in vain: Charles pleaded his promiſe, and got the Scots commiſſioners firmly to inſiſt on his commencing his journey on the appointed day *. On the eve of that day he accordingly ſat forward †, after paſſing all the bills that were made ready ‡, and leav-

The King's journey to Scotland.

Acts paſſed.

" Reſolved, that the houſe ſhall enter into conſideration of no buſineſs whatſoever on this day, but ſuch as ſhall immediately concern the good and advancement of religion, and the ſafety of the kingdom."

Neither houſe thought theſe reſolutions a ſufficient juſtification for their doing what the majority of the nation looked upon as a kind of prophanation of the Lord's Day: they publiſhed a declaration, that they would not have done this but upon inevitable neceſſity, the peace and ſafety both of church and ſtate being ſo nearly concerned; which they did declare to the end that neither any other inferior court or council, or any other perſons, might draw it into example for neglecting the due obſervation of the Lord's Day. *Journals of the Commons*, vol. II. p. 245, *& ſeq.*

* Notwithſtanding that the Commons ſent the Scotch commiſſioners word, that if they would diſpenſe with his majeſty's journey for fourteen days, they would petition his majeſty to ſend a commiſſioner for the diſpatch of their affairs; and if they would condeſcend to this requeſt, in reſpect of the great and urgent occaſions of the kingdom of England, they would take it as a great argument of their affection. *Journals of the Commons*, vol. II. p. 245.

† The parliament ſolicited the King to appoint, before his departure, the earl of Saliſbury to the office of lord-treaſurer, and the lord Pembroke to the office of high-ſteward, in the room of the earl of Arundel, who left the kingdom with Mary de Medicis, the queen-mother.

‡ Acts paſſed before the King's journey to Scotland.

1. An act for the preventing inconveniencies happening by the long intermiſſion of parliament.

2. An act for the relief of his majeſty's army, and the northern parts of this kingdom.

3. An

ing, inſtead of a *locum tenens*, a limited commiſſion for paſſing others with the lord-keeper, the marquis of Ann. 16[illegible]

3. An act for the reforming ſome things miſtaken in the late act for the granting four ſubſidies, entitled, An act for the relief of his majeſty's army, &c.

4. An act for the farther relief of his majeſty's army, and the northern parts of this kingdom.

5. An act for the better raiſing and levying mariners for the preſent guarding the ſeas, and neceſſary defence of the realm.

6. An act concerning the limitation and abbreviation of Michaelmas Term.

7. An act to prevent inconveniencies by the untimely adjournment of parliaments.

8. A ſubſidy granted to the King, of tonnage and poundage, &c.

9. An act for the ſpeedy proviſion of money for diſbanding the armies, &c.

10. An act for the regulating of the privy-council, and the taking away the court commonly called the Star-chamber.

11. A repeal of the branch of a ſtatute *primo Elizabethæ*, concerning commiſſioners for cauſes eccleſiaſtical.

12. A ſubſidy granted to the King, of tonnage and poundage.

13. An act for the ſecuring of ſuch monies as ſhall be due to the inhabitants of the county of York, and other adjoining counties wherein his majeſty's army is or hath been billeted, &c.

14. An act for the declaring unlawful and void the late proceedings touching ſhip-money, and for the vacating all records and proceſſes concerning the ſame.

15. An act againſt divers encroachments and oppreſſions in the ſtannary-courts.

16. An act for the certainty of foreſts, and of the metes, meers, limits, and bounds of the foreſts.

17. An act for the pacification between England and Scotland.

18. An act for the ſecuring, by public faith, the remainder of the friendly aſſiſtance and relief promiſed to our brethren of Scotland.

19. An act for the better ordering and regulating the office of clerk of the market, allowed and confirmed by this ſtatute, and for the reformation of falſe weights and meaſures.

20. An

Ann. 1641. Hertford, the earls of Manchester, Lindsey, Essex, Bath,

20. An act for the prevention of vexatious proceedings touching the order of knighthood.

21. An act for the free bringing-in of gunpowder and salt-petre from foreign parts, and for the free making of gunpowder within this realm.

The Stannary-court exercised its jurisdiction over miners; but, by the abuse and encroachments of power, it extended itself in a manner that oppressed all the inhabitants of Cornwall and Devonshire, and, like all the other arbitrary courts, had set the common law at defiance, and disobeyed both prohibitions and Habeas Corpus's from the King's Bench. The Marshal's court is not expresly mentioned in any statute; but it sunk with the rest of those pestilential monsters which disfigured the beauty and tainted the health of the constitution. Clarendon tells us, that it was the offspring of this fruitful reign, of no longer date than the year 1633; that it took cognizance of offensive words; and such had been the extravagance of its proceedings since the dissolution of the last parliament, that more damages had been given in two days, by the sole judgment of the earl marshal, than had been given by all the juries in all the courts in Westminster-hall in the whole term, and the days for trial after it was ended. Clarendon farther tells us, that, on the first entrance into this inquisition, an end was put to this upstart court; and that such was the effect which the authority of the parliament had on the proudest natures, that himself, who had taken the lead in this affair, was accosted by the lord Arundel, the earl-marshal, with great courtesy, who thanked him for having treated his person so civilly, when upon so just reason he had found fault with his actions.—It would be difficult to reconcile Clarendon's pleadings against the judges, and the opinion he gave of the Marshal's court and the Council of York, with the panegyric he makes of Charles's government in his History of the Civil Wars.

There was an attempt made to correct the shameful abuse of the privilege of distributing honours. The King was petitioned that titles of honour should not be bought and sold, but be the reward of virtue and merit. It was resolved in the upper house, to consult with the Commons on a bill for preventing a future abuse of this privilege.——The profusion with which this species of royal favour has been lavished in latter times, and yet continues to be lavished, is become an object very interesting to the whole commonalty, and particularly to the gentry, of this

and Dorset *, and appointed the earl of Essex lieute- Apr. 1641.
nant-general, with a power to raise what forces should be found necessary †.

A review of the transactions of this parliament, during the first period of their operations, must fill

this kingdom; who being no way distinguished by any political privileges from the lowest classes of the people, if they do not exert themselves in a regular constitutional manner, by proper remonstrances to the higher powers against this growing evil, will, in a short period of time, find themselves in a more ignominious situation than ever their ancestors were in the most servile periods of slavery, even in a worse state than are the gentry of any country in Europe, not excepting those who live under governments whose barbarous despotism is a disgrace to humanity and civilization.

The peers who petitioned for a parliament received the thanks of both houses; the petition was recorded in the Journal of the Lords House, and ordered to be esteemed an act of that house. Before the King proceeded on his journey, it was declared and voted, *nemine contradicente*, by the Lords, that their certain and undoubted right was to chuse their Speaker, who was not to depart when the house sat, without leave of the house. *Statutes at Large*, vol. II. p. 1105, *&c seq. Life of Clarendon*, vol. I. p. 76, *&c seq. MSS. Journal of the Lords. Rushworth*, vol. IV. p. 211. *Nalson*, vol. II. p. 438.

* The bills which these commissioners had authority to pass were, The act of treaty; any bill for raising money, as there should be occasion for raising of forces for service at sea and land, and to resist foreign invasions and seditions at home; any bill for tonnage and poundage, or other duties upon the exportation or importation of commodities; for the preservation of salt-petre mines, and making of gunpowder for the defence of the kingdom; a power to pass the bill concerning the eight subsidies for the clergy. *Parl. Hist.* vol. IX. p. 469, *&c seq.*

† By the desire of both houses, the earl of Essex had been appointed lord-lieutenant of Yorkshire, in the room of the lord Saville, who resigned.

Ann. 1641. every mind, untainted by ſervile prejudices, with the higheſt ſentiments of gratitude and veneration. The free conſtitution of England, which, from the ignorance of former ages, and the wicked policy of Kings, had admitted of ſo many arbitrary principles that it was become a monſter void of ſymmetry, was now reduced to a ſyſtem of government conſiſtent and uniform, ſupporting itſelf by the pillars of law and equity. Every arbitrary court of judicature was aboliſhed; the authority of the clerk of the market, who had a general inſpection over weights and meaſures, and by whoſe power the people had undergone many hardſhips, vexations, and extortions, was transferred to the mayors, ſheriffs, and other legal magiſtrates; the limits of the foreſts were reſtrained within their ancient bounds; the crown entirely deprived of the means of impoſing the expenſive honour of knighthood *; and as no court of juſtice remained but thoſe which took cognizance of common and ſtatute law, the King's power of iſſuing proclamations and extorting money from the ſubject was entirely cut off, becauſe every man might diſobey thoſe arbitrary edicts.

* The old Gothic cuſtom of trial by battle was entirely aboliſhed by this parliament. The houſe of Commons having received complaint, that the office of ſheriff was attended with exceſſive expence, by reaſon of preſents and entertainments given to the judges, with large fees to their ſervants; and the like complaints being made by counties, cities, corporations, and boroughs, that whenever the King paſſed they were obliged to pay large ſums to his officers, as pretended fees and duties; it was ordered, that no ſuch preſents, entertainments, gifts, or pretended fees, ſhould be demanded, given, or paid; and if any perſon ſhould do contrary to the ſaid order, they ſhould be eſteemed by the houſe as giving examples inconvenient to the public.

with

with impunity. Paſt grievances were not only redreſſed, but the exemplary puniſhments of ſtate delinquents *, with the act for triennial parliaments, were now bulwarks to defend the conſtitution againſt the attacks of power. Many of theſe advantages, eſcaping the corruption of time, and the confuſion of civil broils, are yet enjoyed by the inhabitants of this iſland, and ought to raiſe in the heart of every Engliſhman a grateful monument of praiſe to thoſe renowned patriots who procured ſuch invaluable bleſſings to poſterity †. Ann. 1641.

* A few weeks after Strafford's execution, the houſe of Commons, with more generoſity than prudence, paſſed a bill for reſtoring his honours and titles to his children. This ſtricture may be looked on as ſevere; but it is not for the advantage of a ſtate that a man's family ſhould be benefited by his public vices, neither is it compatible with the laws of equity that they ſhould be ſufferers for them: therefore, if the parliament had preſerved a juſt medium, they would have reinſtated the earl of Strafford's children in the honour and fortune he was poſſeſſed of before he entered into the ſervice of the court, but deprived them of the enjoyment of the wages of iniquity. This opinion, conſiſtent with the laws of juſtice and ſound policy, is to be taken generally; nor can it be ſuppoſed a reflection on the deſcendants of the earl of Strafford, ſince poſterity is not anſwerable for the crimes of their anceſtors. The greateſt patriot, and moſt virtuous citizen, may ſpring from the loins of the moſt corrupt member of ſociety.

† Among thoſe heroic exertions in the cauſe of Liberty which ſignalize this houſe of Commons, it muſt be owned that the particular urgency of circumſtances occaſioned them to lay ſome very arbitrary reſtraints on the preſs. It was ordered, that all ſtationers and printers ſhould take the name of every perſon who brought any thing to them to be printed, ſold, or publiſhed, that they might, under pain of incurring the ſame penalty as the author, be ready to give account as they ſhould be required. It is remarkable, that the printers themſelves preferred a bill for regulating their trade, and that there ſhould be no

CHAP. II.

The leaders of the popular party attempt to wreſt from the King the power over the militia.——Engliſh and Scotch armies diſbanded.——Committee of parliament ſent into Scotland.——Tranſactions in that kingdom.——Affairs of Ireland.——Iriſh inſurrection, and maſſacre of the Proteſtants.——Conduct of the Engliſh parliament on that buſineſs.——The King returns to England.——His public entrance into the capital.——He deprives the parliament of their guard.——Their petition, and remonſtrance of the ſtate of the kingdom.——Tumults.——Proteſtation of the biſhops.

Ann. 1641.

THE free conſtitution of England, thus vindicated from the uſurping pretenſions of the crown and the mitre, promiſed fair to arrive at that ſtate of perfection which allows an equal proportion of freedom to the ſubject and the ſovereign. Notwithſtanding this favourable appearance, Liberty, though largely enjoyed, was not firmly eſtabliſhed: the body of the nobility had never acted on any extenſive view of public utility; their oppoſition had been ſolely founded on private pique and perſonal jealouſy; they had rather diſtaſted the miniſters of the late oppreſſive meaſures, than entertained any noble reſentment at the oppreſſion itſelf. Since Laud and Strafford, thoſe two envied objects, were removed, the ſelfiſh prejudices incident to their ſtation inclined them to combat the progreſs of a reformation which apparently tended to

books printed without licence. *Journals of the Commons*, vol. II. p. 244. *Ruſhworth*, vol. IV. p. 357.

eſtabliſh

eſtabliſh a juſt equality of political privileges amongſt all men. Ann. 1641.

The attempts of the crown to debauch ſeveral members of the lower houſe from the ſound principles of Liberty had ſucceeded but too well. Theſe, according to the nature of oppoſition, from moderate opponents had become inveterate enemies; and the repeated mortifications they received from the prevailing party in parliament, inclined them to run into the oppoſite extreme of their pretenſions. The Commons were better acquainted with the temper of the King than to ſuppoſe he would remain quiet under the preſent diminution of royal power; they knew he had already attached to himſelf a ſtrong party of malcontents, beſides the body of Roman Catholics. In theſe circumſtances, it was neceſſary to the ſafety of the public, that the militia and forts of the kingdom ſhould be veſted in proper hands. The firſt ſteps made in this attempt were the ten propoſitions offered by the Commons, and aſſented to by the Lords *. Of theſe they were ſo tenacious, that not meeting with a ready compliance, ſtanding committees were appointed to confer from time to time on a method of reducing them to effect in ſpite of royal oppoſition.

* Sir Arthur Haſlerig, a popular leader of great ſpirit, introduced a bill for the ſettling the land and ſea forces in ſuch hands as ſhould be nominated by the lower houſe. He was ſtrongly ſeconded by Mr. St. John, who declared, that ſuch power over the militia as might be neceſſary for the ſecurity of the kingdom, was not yet by law veſted in any perſon, not even in the crown. *Clarendon's Hiſt.* vol. I. p. 217, *& ſeq.*

CHARLES,

Ann. 1641.

CHARLES, having ſucceeded ſo far in the plan of his expedition as to overtake both armies before they were diſbanded, applied himſelf with the utmoſt aſſiduity to gain them to his intereſt. Henderſon, the popular covenanting preacher, was appointed his chaplain, and the great officers of the Scotch army were treated with high marks of favour and diſtinction *; together with this ſuſpicious circumſtance, that the earl of Eſſex received intelligence from the earl of Holland, that attempts were made to corrupt the Engliſh troops. The parliament took the alarm; an order paſſed both houſes for diſarming all the Papiſts in England. The vaults under the parliament-houſe were ſearched; and the Lords were deſired by the Commons to declare, that all privileges ſhould be void, in caſe of the convicting or diſarming of recuſants. The Scotch commiſſioners were moved to provide for the ſpeedy march of the Scotch army, who were forbid to paſs through Berwick but in ſmall numbers. Directions were given to the earl of Holland to diſband both horſe and foot immediately, and that no munition or artillery of the King's at Hull ſhould be removed, but by order of parliament. A ſmall committee of both houſes † was ſent into Scotland to keep up a good correſpondence between the

Clarendon's Hiſt. vol. I. p. 230. Parl. Hiſt. vol. IX. p. 488.

Engliſh and Scotch armies diſbanded.

Nalſon, vol. II. p. 451, & ſeq.

Committee of parliament ſent into Scotland.

* It is ſaid, that four northern counties, with the plunder of London, were offered to the Scotch army, if they would engage to interrupt the proceedings of the Engliſh parliament. *Ludlow's Memoirs*, fol. ed. 1751. p. 6. *Myſtery of Iniquity*, a tract, publiſhed in 1643, p. 22.

† The lord Howard, Sir Philip Stapleton, Sir William Armyn, Nathaniel Fiennes, John Hampden.

parliaments

parliaments of each kingdom, to inform themſelves of the inclinations of that people, and to watch the King's actions. According to previous agreement, the ordnance and ammunition of the Scots were conveyed to the Tower of London, and a very complaiſant letter, in the name of both houſes, written to the earl of Holland, ſignifying an entire approbation of his conduct and care for the public good. Ann. 1641.

THE impreſſion which the King had made on the Scotch and Engliſh armies was followed with no other effect than perſonal civility. He had the mortification alſo to find, on his arrival at Edinburgh, that the parliament had choſen the lord Balmerino for its preſident; that they would not ſuffer any member to ſit among them but thoſe who had ſigned the covenant; and that Montroſe and his party had ſo over-rated their ſtrength, that it was with difficulty he could prevent their incurring the puniſhment which their factious cabals had merited *. He was determined, however, to give full ſatisfaction, and deprive, if poſſible, his oppoſers in England of the ſupport of the Scots. Every condition of the treaty of peace was confirmed by parliament. The lords of the articles, that effectual bar to the freedom of thoſe aſſemblies, were ſet aſide. To prevent the ill conſequences of that practice which Charles and James had exerciſed, of giving Scotch titles to Engliſhmen, and diſpoſing Tranſactions in Scotland. Burnet's Lives of the Hamiltons. Guthry's Memoirs.

* Clarendon ſays, that the King obtained the parliament's pardon for his own party, on condition that they came not near his preſence, nor received any benefit from him, without their approbation. *Clarendon's Hiſt.* vol. I. p. 244.

of

Ann. 1641. of their proxies, a law was enacted, that no man ſhould be capable of a Scotch peerage who did not poſſeſs upwards of five hundred pounds annual rent in the kingdom. A law for triennial parliaments was paſſed, with an ordinance, that the laſt act of every parliament ſhould be to appoint the time and place for holding the enſuing one. The king was deprived of a power, formerly enjoyed, of enforcing obedience to proclamations, under the penalty of treaſon *. Theſe were all ſalutary acts; but the following was the crowning one, which gave entire liberty to the Scots, viz. that no member of the privy-council, no officer of ſtate, none of the judges, ſhould be appointed, but by advice and approbation of parliament; and all the officers of ſtate were to hold their places *quamdiu ſe bene geſſerint*. Four of the preſent judges, who had been active on the ſide of prerogative, were diſplaced; ſeveral of the head covenanters were ſworn of the privy-council; Loudon was made chancellor; and the office of treaſurer was diſcharged by a committee of four, viz. Argyll, Glencairn, Lothian, and Lindſay. With theſe eſſential gratifications, the leſſer graces were not omitted: Argyll was created a marquis; Loudon, Leſley, and Lindſey, earls; Andrew Murray, lord Belvaird, and the lairds of Dudo and Arbuthnot, viſcounts; the marquis of Hamilton, now become popular, was gratified with the title of duke. Many of the prime covenanters obtained penſions.

* It is ſurprizing the Scots ſhould ever fancy themſelves a free people whilſt they permitted their prince to enjoy a prerogative which, in a manner, inveſted him with the whole legiſlative authority.

Charles

Charles conformed himſelf entirely to the eſtabliſhed church, and church preferments were beſtowed upon Henderſon, and other popular preachers. The profeſſors in the univerſities had their proviſions augmented out of the epiſcopal revenues, and the parliament ordained a commiſſion with powers to enlarge the ſtipends of the reſt of the miniſtry. A judicature was eſtabliſhed by the parliament to order all things concerning the peace of the land, and the preſerving a perfect amity with England. A committee was alſo nominated to try Montroſe and the reſt of the royaliſts: it was with great difficulty that the King could preſerve their lives, by obtaining their cenſure to be remitted to himſelf. Such were the conceſſions neceſſary to quiet the Scots, and ſuch the fruits of a journey ſtiffly inſiſted on by the King *; whoſe hopes of meeting with a number of partiſans were entirely defeated by the ſudden death of the earl of Rothes, and the temerity and implacable envy of Montroſe, who Ann. 1641.

* The vaſt conceſſions the King was obliged to make to the Scots, by exciting a jealouſy, encreaſed that deſire for Liberty which already ſtrongly reigned in the Engliſh; this nation diſdaining to have been at ſuch trouble and expence for the Scots to reap advantages ſuperior to themſelves. What were the King's expectations on theſe conceſſions, Clarendon, his great counſellor, informs us: "It is not to be doubted, ſays he, but, in conſideration of theſe extravagant conceſſions, the Scots made as extravagant promiſes: that by their loyal and dutiful comportment, his majeſty ſhould find no diminution of his power; that he ſhould have the entire obedience of that nation to preſerve his full rights and regalities in England, and to reduce Ireland; the earl of Leven telling him, that he would not only never more ſerve againſt him, but that whenever his majeſty ſhould require his ſervice he ſhould have it, without aſking what the cauſe was. *Clarendon's Hiſt.* vol. I. p. 244, *& ſeq.*

Ann. 1641. purſued the duke of Hamilton, and his brother the earl of Lanerick, with ſuch inveterate malice, that they found themſelves under a neceſſity to join with Argyll, and the reſt of the covenanters.

Clarendon's Hiſt. of the Civil Wars, vol. I. p. 236. MONTROSE had the villany to ſuggeſt to the King, that it would be for his intereſt to procure the murder of Argyll and the two brothers; and offered himſelf for the ſervice. Intelligence of this black propoſition having got abroad, Hamilton, Lanerick, and Argyll withdrew themſelves to their houſes, and prepared for a defence, declaring publicly that they knew there was a ſcheme on foot to aſſaſſinate them. Great was the conſternation which this incident occaſioned in the parliament, and the city of Edinburgh. In England it was looked on as an attempt to break the pacification; and that ſuch a deſign would not have been undertaken without the aſſurance of a ſtrong party to abet it *. Sir John Berkeley and O'Neile, two general officers, who had been deeply engaged in the plot againſt the parliament, were put under arreſt. Strong guards were placed in the cities of London and Weſtminſter, and letters of caution ſent to all officers civil and military. The committee of both houſes attending the King in Scotland were ordered to acquaint him, that the Engliſh parliament held it

Journals of Commons, vol. II. p. 290, 293.

* In the depoſition taken on this occaſion it appeared, that the earl of Crawford, the lord Amond, and colonel Cockrain, were concerned in this affair. Captain Steward depoſed, that there was a great faction of noblemen and others at Edinburgh, who were able to ſuppreſs the marquis of Hamilton, the earl of Argyll, and their party. *Ruſhworth*, vol. IV. p. 421.

a matter

a matter of great importance, that the religion, liberty, and peace of Scotland ſhould be preſerved; and that they were reſolved to employ their power and authority for ſuppreſſing all ſuch as, by any conſpiracy, practice, or other attempts, ſhould endeavour to diſturb the peace of Scotland, and to infringe the treaty made between the two kingdoms: farther the committee was ordered to inform the King, that whereas five companies out of the garriſons of Berwick and Carliſle were by his order ſtayed from diſbanding, the Commons now aſſembled in parliament did declare, that they intended to be at no farther charge for the longer ſtay and entertainment of thoſe men, nor for the demurrage of the ſix ſhips ſent for the tranſporting of his majeſty's munition, ordnance, and other proviſions, if, by the occaſion of the aforeſaid order, they were kept out longer than had been agreed on. Ann. 1641.

THESE were not the only tranſactions which paſſed during the King's abſence. On the eve of an adjournment, when many of the members were out of town, ſome of the zealous Preſbyterians made a motion concerning alterations in the Book of Common-Prayer: this occaſioned a very hot debate, where the no-leſs-zealous Mr. Hyde, and other bigoted churchmen, defended the liturgy with ſuch pertinacious warmth, that they at length obtained the victory, and the motion was laid aſide. The Lords, without waiting for the determination of the Commons, voted, that an order of theirs, made January 1640, which appointed a rigid obſervance of divine ſervice, as regulated by

Ann. 1641. former acts of parliament, ſhould be rigidly obſerved *. The Commons, on their ſide, publiſhed an order againſt innovations; for the ſtrict obſervation of Sunday; and that all corporal bowing at the name of Jeſus ſhould be forborn †. This occaſioned a diſpute which renewed the attack on the biſhops, as the authors of diſſentions between the two houſes ‡. The

* Of twenty-one lords who voted on this occaſion there were nine diſſenting votes. Six peers, viz. Bedford, Warwick, Clare, Newport, Wharton, and Kimbolton, entered a proteſt againſt publiſhing the order.

† An order was made for afternoon ſermons in all parochial churches. Pariſhes had leave to employ a lecturer at their own charge; and the oath of canonical obedience was laid aſide: in the order againſt innovations, bowing at the name of Jeſus was forbid. Sid Edward Deering made a very warm enthuſiaſtic ſpeech on this occaſion; he advanced ſome ſtrong reaſons againſt the validity of the order, as it was not in the regular way of bill, and contained an arbitrary impoſition on the inclinations of men; but laid an abſurd ſtreſs on the corporal bowing at the name of Jeſus, as if this frivolous ceremony was a neceſſary part of worſhip. *Nalſon*, vol. II. p. 610, *& ſeq.*

‡ A bill for aboliſhing epiſcopacy, called, "The Root and Branch Bill," was at this time warmly debated in the houſe. Sir Edward Deering, Sir Henry Vane, Sir Benjamin Rudyard, Mr. Waller, and Mr. Thomas, were the chief ſpeakers on this occaſion: Sir Edward Deering, Sir Benjamin Rudyard, and Mr. Waller, were for moderating the power and riches of biſhops, cutting off what they called the corrupt adjuncts of epiſcopacy, and reducing it to its primitive ſimplicity. Mr. Waller advanced a very ſelfiſh argument to ſupport his opinion; viz. that if the people prevailed for an equality in things eccleſiaſtical, the *lex agraria* might be the next thing inſiſted on. The ſpeech of Mr. Thomas was tedious and ſcurrilous: he having endeavoured to ſhew, that the great power of the church had been as fatal to monarchs as it was repugnant to civil liberty, he gave a detail of the oppoſitions which the crown had met with from former prelates: and very abſurdly confounded their ſpirited endeavours to reſtrain the growing power of the crown,

Commons had appointed a committee of forty-three, and the Lords a committee of seven, to take care of affairs of importance during their adjournment *, which was to continue from the ninth of September to the twentieth of October †. Ann. 1642.

crown, with the mean ambition and intrigues of the preſent hierarchy. On the ſubject of this debate, Sir Simon D'Ewes informed the houſe, that in the ancient manuſcript copy of the Greek Bible in the King's library, Timothy and Titus are addreſſed by their plain names, without other diſtinction; from which he inferred, that the ſtyling Timothy and Titus biſhops were ſpurious additions. The houſe proceeded ſo far as to paſs an order, that all biſhops, deans and chapters, and prebends, ſhould be reſpectively prohibited to cut down any timber trees growing upon any lands belonging to any biſhop, dean and chapter, or prebend, until farther order ſhould be taken therein. *Journals of the Commons*, vol. II. p. 214.

* The powers which the Lords gave their committee were, to open the letters which ſhould come from the committee in Scotland; to return anſwers; with power to recall that committee; to ſend down money to the army, and to aſſiſt in their diſbanding, and in removing the magazines from Berwick and Carliſle. The Commons gave their committee more enlarged powers; viz. To publiſh the declarations of the houſe concerning innovations; to go on in preparation of proceedings againſt delinquents; to receive any offers of diſcovery they ſhould make; to ſend to all ſheriffs and juſtices of the peace upon information of any riots or tumults, to ſtir them up in their duty in repreſſing them; to take the account of any accountants to the King, in order to the preparation of the royal revenue; to conſider the fiſhing upon the coaſts of England, Scotland, and Ireland; to conſider of framing and conſtituting a Weſt-India company. This committee had other things in charge concerning the exchange beyond ſea, and concerning Iriſh petitions. *Parl. Hiſt.* vol. X. p. 1, *& ſeq.*

† The plague, which had more or leſs viſited this country ever ſince the King's acceſſion to the throne, raged at this time exceedingly. The following were ſome of the orders that paſſed both houſes on the occaſion of this calamity; viz. That the bill, "Lord have mercy upon us," with

Ann. 1641. NOTHING very material happened during this receſs, except the conſpiracy in Scotland. Mr. Pym, chairman of the committee, having made a report to the houſe touching this buſineſs, a conference enſued, and both houſes recommended to the earl of Eſſex to guard the parliament. They then proceeded to thoſe meaſures which have been before related, and a committee was appointed to prepare heads for a petition to prevent the miſchiefs that might happen to the commonwealth by the choice and employment of evil counſellors, ambaſſadors, and other miniſters of ſtate *. A meſſage to the following purport was ſent from both houſes to the marquis of Hertford †: That he ſhould take the prince into his eſpecial charge, and ſee that he made his abode and reſidence at his own houſe at Richmond; and that he ſhould place ſuch perſons about him as ſhould be anſwerable to parliament ‡.

Journals of Commons, vol. II. p. 297.

with a large red croſs, be ſet upon the door of every houſe infected with the plague; that all the ſtuff in the houſe where any had been viſited with the plague, be well aired before they be diſcharged or the houſe open; the houſe viſited with the plague to be ſhut up, whether any perſon therein do die or not, &c. *Naſſon*, vol. II. p. 478.

* All committees on private buſineſs were for ſome time ſtopped, both on account of the contagion, and on the exigencies of public affairs.

† Lately appointed governor to the prince, in the place of the earl of Newcaſtle.

‡ The reaſons that the parliament ſent to the queen for their directions to the earl of Hertford were as follows: That the prince loſt much opportunity in improving himſelf in his ſtudies by being at Oatlands; that though the parliament did not think her majeſty would intimate any thing to him concerning her religion, yet there were many about her who might prepare him with impreſſions that might remain for many

THE leaders of the popular party were now determined to puſh the excluſion of biſhops from parliamentary juriſdiction: a bill for diſabling all perſons in holy orders to exerciſe any temporal juriſdiction and authority, paſſed the lower houſe with very little oppoſition. Mr. Pym and Mr. St. John, who were appointed to manage a conference with the Lords on this ſubject, ſeconded the demands of the Commons with very ſtrong arguments *, and petitions continued to pour in from all counties againſt the hierarchy †. Whilſt the extinction of the order of biſhops was under conſideration, the King filled up five vacant ſees ‡: this was regarded as an inſult both on the lower Ann. 1641. Parl. Hiſt. vol. X. p. 8.

many years; that it was not the intentions of parliament that the prince ſhould entirely abſent himſelf from her majeſty, but that his place of reſidence might be at Richmond, for otherwiſe his governor could not take that charge over him as was required by the parliament, nor be anſwerable for ſuch ſervants as were about him. *Nalſon*, vol II. p. 596, *& ſeq.*

* One of the demands of the Commons, on ſending up the bill of excluſion, was, that the biſhops, being all of them parties, ſhould not have a vote in this queſtion.

† The Commons, in the midſt of the hurry of theſe important affairs, did not neglect leſſer grievances. On a complaint of the growing evil of debtors obtaining protection from members of parliament, Mr. Benſon, a Yorkſhire member, a notorious protection-ſeller, was ſent for as a delinquent, and voted unworthy to ſit in parliament. Some time after this, a bill for waving the privileges of parliament during the preſent ſeſſion, paſſed the Commons, and was earneſtly recommended by them to the Lords. *Nalſon*, vol. II. p. 595. *& ſeq. Parl. Hiſt.* vol. X. p. 50.

‡ Worceſter, Lincoln, Exeter, Briſtol, and Chicheſter. *Parl. Hiſt.* vol. X. p. 146.

houſe

Ann. 1641. houſe and on the public *, who had warmly and generally ſeconded every meaſure their repreſentatives had taken to aboliſh epiſcopal government. The precarious ſtate of the church had engaged the attention of all men; but they were now diverted from this object by an unexpected alarm of the moſt intereſting nature.

Affairs of Ireland.

To ſecure the dominion of Ireland to the Britiſh crown, thoſe lands which had been forfeited by rebellion, and others fraudulently and forcibly obtained from the inhabitants, were conferred on Britiſh planters, who, allured by gain, had gone over in large colonies to ſettle in that barbarous country. The old Iriſh held their property by a whimſical tenure, called Taniſtry. Individuals had no hereditary right: a whole ſept, or clan, had a title to a whole territory; theſe uſed to chuſe the chieftain †, who took upon him the title of King, or Lord: he, thus elected, had the ſeigniory of all the lands within his territory, with a power to make an arbitrary diſtribution to his vaſſals ‡,

Carte's Life of Ormond, vol. I. p. 155. Temple's Hiſt. of the Iriſh Rebellion, 8vo ed. 1746, p. 14, & ſeq.

* The Commons went ſo far as to determine, that a committee ſhould be appointed to draw up reaſons to give the Lords to concur with them in petitioning the King to make no new biſhops, till the controverſy ſhould be ended concerning the government of the church. *Clar. Hiſt.* vol. I. p. 240.

† Theſe elections were generally obtained by force and violence.

‡ He might make new diſtributions as often as he pleaſed; nor were theſe tenants in villainage more ſecure in the poſſeſſion of their goods and chattels, or even of their wives, than of their lands; theſe being all liable to be taken away at the pleaſure of the lord. *Carte's Life of Ormond*, vol. I. p. 13.

who

who were all tenants in villainage, and were neither qualified to be ſworn on juries, or to perform any public ſervice. The chieftain himſelf held the ſeignory but for life †, and each new lord had the power to make a new diſtribution according to his pleaſure. Thus, neither the deſcendants of the chieftains or vaſſals had a right to particular lands; but, as the lord was always choſen out of the principal branches of the ſept, the immediate deſcendants of the old chieftains fancied they had a right to theſe ſeignories, and fondly imagined, if they could throw off their dependance on the ſtate of England, matters would be adjuſted to their ſatisfaction. As, from the uncertainty of the eſtates of the old Iriſh, they neglected to build, or improve their lands, and were in a manner diſunited from the government, by an immediate and abſolute dependance on their chiefs, who governed them in an arbitrary manner, inflicting on them what puniſhments they pleaſed, in the reign of James and Charles it was the particular care of the lieutenants and governors of that country to obtain ſurrenders, and re-grant them on Engliſh tenures †. Sir Arthur

Ann. 1641.

Carte, vol. I. p. 13.

* The eſtates that were held by the chieftains were annexed to the ſeignory, and did not deſcend by inheritance. *Carte's Life of Ormond*, vol. I. p. 13.

† The civilizing or governing of Ireland was ſo little attended to by the predeceſſors of the Stewart family, that all kind of intercourſe between the natives and the Engliſh was by law forbidden, leſt the Engliſh ſhould degenerate into Iriſh manners. On ſubdued rebellions the Iriſh were re-granted their lands on their own barbarous tenures; and that country having been chiefly conquered by private adventurers of the Engliſh nation, theſe were permitted to eſtabliſh ſeparate juriſdictions and principalities.

Ann. 1641. Chichester, lieutenant of Ireland in king James's time, coming into his government with the advantage of a ſubdued rebellion, went great lengths towards the entire deſtruction of the Iriſh lordſhips. The cuſtoms of Taniſtry and the Brehon law * were in all their branches aboliſhed; he offered the protection of the Engliſh laws to all the natives; ſent judges into every county of Ireland; appointed ſheriffs; prohibited the chieftains from tyrannizing over their tenants; and directed theſe, if they met with oppreſſion, to complain to the miniſters of juſtice. Steps were daily taken by the government to ſecure the property, as well as protect the perſons, of theſe barbarians; yet ſuch was their ignorance, that they diſdained theſe unexperienced bleſſings, and envied the poſſeſſions of the Britiſh, whom they looked on as robbers and invaders; notwithſtanding that the inſtructions they had received in tillage, buildings, manufactures, and other civilized arts, was a large return for their uncultivated lands. It was not only theſe who aſpired to ſeignories that kept up a ſpirit of diſcontent among the wild Iriſh, but the prieſts, who, though, during the reigns of James and Charles, they had been indulged with a connivance amounting to a toleration †, yet, as

* By the Brehon law, no crime, however enormous, was puniſhed by death. Murder itſelf was atoned for by a pecuniary mulct, and each man, according to his rank, had a different rate affixed to him. *Hume's Hiſt. of James I.* p. 43.

† Papiſts were not only in a manner tolerated, but many of them were admitted to lucrative employments in the ſtate and army, were indulged with the more ſubſtantial advantages of purchaſing and inheriting lands, of ſitting as jurors on the determination of life and property, of voting for repreſentatives in parliament, and even having ſeats

they were deprived of their eccleſiaſtical revenues, they took effectual means to communicate their diſpleaſure, and prevent any cordial reconciliation between the old and new inhabitants. The ſucceſſive adminiſtrations of Chicheſter, Grandiſon, and Falkland, though attended with ſome circumſtances arbitrary and unjuſt, had been upon the whole very advantageous to the native Iriſh, and the favourable inclination of the Stewart family to the principles of the Roman-Catholic faith had occaſioned them uncommon indulgences in the article of religion; yet ſuch was the power, and ſuch the intriguing ſpirit, of the prieſts, that in the ſhort ſpace between the years 1603 and 1615, three different conſpiracies were raiſed againſt the Engliſh government *. Ann. 1641. Borlace, p. 15, & ſeq.

ſeats in both houſes themſelves. They practiſed at the bar, they were promoted in the law, they obtained peerages, and almoſt every indulgence in common with the Proteſtant ſubject. Clarendon gives the following teſtimony of the indulgence with which they were treated. "It cannot be denied, that the whole nation enjoyed an undiſturbed exerciſe of their religion. Even in Dublin, where the ſeat of the king's chief governor was, they went as publicly and uninterruptedly to their devotions as he went to his. The biſhops, prieſts, and all degrees and orders of ſecular and regular clergy, were known to exerciſe their functions among them; and though there were ſome laws againſt them ſtill in force, yet they were ſo rebated by the clemency of the King, that no man could ſay he had ſuffered prejudice or diſturbance in or for his religion." To ſuch a degree did royal indulgence extend to the Iriſh Papiſts, that the fifth of November was forbidden to be celebrated in that country, leſt it ſhould give them offence. *Borlace's Hiſt. of the Iriſh Inſurrection*, p. 17. *Temple's Hiſt. of the Iriſh Rebellion*, p. 24. *Pillars Unmoved*, a tract publiſhed in 1752, p. 45. *Clarendon's Vindication of the Duke of Ormond*, 8vo ed. 1756, p. 8, & ſeq.

* In the year 1626, on the acceſſion of Charles to the throne, pope Urban VIII. ſent a bull directed to the Catholic ſubjects of Great Britain,

Ann. 1641. WHEN the earl of Strafford was entruſted with the adminiſtration of the affairs of Ireland, he, for the better accompliſhment of his purpoſe to eſtabliſh a tyranny, endeavoured to make a balance in parliament between the Proteſtants and Papiſts, that both parties, intent on thwarting each other, and thus diverted from the objects of their mutual intereſt, might become an eaſy prey. By his means the Recuſants were not only poſſeſſed of an equal ſhare of the legiſlative power, but were treated with much more mildneſs and diſtinction than the diſſenters. Notwithſtanding theſe advantages, ſo obvious grew his diabolical purpoſe, ſo tyrannical were the means he was neceſſitated to uſe, ſuch was the provoking inſolence of the man, that theſe very Papiſts on whom he ſeemed to have conferred obligations, theſe very Papiſts whom he judged the propereſt to be truſted with arms to ſcourge the Scots for their generous endeavours to maintain their Liberty, theſe very Papiſts for whoſe eaſe and emolument he had ſo heavily taxed the Proteſtants *, joined in the proſecution againſt him, and became the chief inſtruments of his death. The difficulties with which the King, by his ill conduct, was entangled, proved as advantageous to Iriſh as to Britiſh Liberty.

tain, exhorting them rather to loſe their lives than to take that noxious and unlawful oath of allegiance, by which the ſacred ſceptre of the univerſal church might be plucked out of the hands of the vicars of God. *Fiction Unmaſked*, p. 46.

* A round tax uſed to be gathered from the Papiſts, as a penalty for their not attending the public ſervice of the eſtabliſhed church. This Strafford more than made up to the King, by ſcrewing up the ſubſidies to an exorbitant ſum.

The

The Engliſh houſe of Commons, by the good correſpondence they maintained with the Iriſh committee, who were all of them Papiſts, ſhewed, that they looked on that privilege to be the common right of men of all perſuaſions, and that they took a brotherly concern in the intereſt of that conquered country. By means of this encouragement and protection, the Iriſh obtained advantages beyond their moſt ſanguine hopes: the liſt of grievances their committee had brought over were conſidered by the King and his privy-council, now compoſed of thoſe popular noblemen, Manchester, Eſſex, Warwick, Say, and other members of reſpectable characters: by their influence, the Iriſh obtained a favourable anſwer to almoſt all their demands *. Theſe were but the firſt-fruits of what Ann. 1641. Carte's Life of Ormond, vol. I. p. 140.

* Subſidies were to be aſſeſſed with moderation and equality; a free regreſs out of Ireland was granted; the rates of cuſtoms on goods were to be ſettled at five *per cent.*; the duty on French wines to be referred to the parliament; the extra-judicial proceedings of the council-board and Caſtle-chamber were to be prohibited for the preſent, and a future regulation made, according to what was done in England; all monopolies were to be cancelled; the High-commiſſion court ſuſpended; gunpowder was to be ſold by the ſubject in Ireland, at the ſame rate it was ſold in England; the reſtraint on hawking and hunting was to be forborne; the votes of the privy-counſellors to be free; the regulation of fees in the civil and eccleſiaſtical courts, and thoſe of the cuſtomhouſe officers, were to be determined by parliament; wool was to be tranſported into England without licence; wearing apparel and horſes, for the uſe of private perſons, were to be brought in and out cuſtom-free; the tenures of fairs and markets were to be determined upon a ſpecial verdict by the judges of the King's Bench; the aſſeſſing and billeting of ſoldiers to be reſtrained according to law; *quo warranto's* not to be ſued but upon juſt cauſes, otherwiſe reparation to be made by the King's officers to the party aggrieved; the power of provoſts-marſhal to be limited, and exerciſed only upon proclaimed rebels,

Ann. 1641. might be expected from the favourable diſpoſition of public affairs, and the hearty concurrence of the Engliſh reformers in not only redreſſing all grievances, but in laying a firm eſtabliſhment for an exalted ſyſtem of Liberty.

Borlase, p. 6. WHEN Strafford was ſummoned to fight againſt the Scots, he left the government of Ireland, with the title of deputy, to his creature Wandesford, the maſter of the rolls. Wandesford, obſerving that the current ran ſtrong againſt his patron, prorogued the parliament: he attempted to ſtop their committee from repairing to England; but, on the interpoſition of the Engliſh houſe of Commons, was commanded to give way. On the proſecution of Strafford, Wandes-

rebels, or to bring in offenders to be anſwerable to the law; the proceedings of the court of Wards and Caſtle-chamber to be regulated according to the courſe of the Star-chamber and court of Wards in England. An act of parliament was to paſs, to limit the title of the clergy to forty years; all parties, who had been conſtrained by Strafford to give up impropriated tythes and lands to the church, were to commence ſuits for the recovery of their rights, without any interpoſition of authority. By the advice of the privy-council, all the graces, the eſtabliſhment of which had been heretofore promiſed, but ſhamefully eluded by Strafford, were to be confirmed by parliament: in theſe were concluded the limiting the title of the crown to ſixty years, and for ſecuring the eſtates of the inhabitants of Connaught, and the counties of Clare, Limerick, and Tipperary; conſequently the intended plantation was to be diſcharged, and by bill to be declared void. Votes of peers in parliament were reſtrained to thoſe poſſeſſed of a certain portion of lands in Ireland; a baron two hundred a-year, a viſcount four hundred, and an earl ſix hundred; this body of men were likewiſe to be indulged with an act, enforcing ſome trifling yet pleaſing regulations for ranking in parliament. *Carte's Life of Ormond*, vol. I. p. 140, *& ſeq.*

ford

ford died of fear and vexation. Sir William Parſons, Ann. 1641.
maſter of the Wards, and Sir John Borlaſſe, maſter of the ordnance, men at this time very agreeable to the Iriſh committee, were inveſted with the government *, under the title of Lords Juſtices: they were united to the prevailing party in the Engliſh parliament, and ſtrongly abetted the popular intereſt in Ireland. They admitted the abatement of the ſubſidy from forty thouſand pounds to twelve thouſand; prohibited the handling of civil cauſes at the council-board; expedited the drawing of the bills obtained by the Iriſh committee; and gave all poſſible encouragement to the parliament in the work of legal reformation. The houſe of Commons in Ireland ſeem to have imbibed from the Engliſh a ſpirit utterly unknown to their rude and ſervile anceſtors †: they put twenty-four queries to the judges concerning the ſtate of law in Ireland; the judges not caring to condemn themſelves, and render their paſt conduct ſubject to an impeachment, gave very unſatisfactory anſwers: this produced twenty-one ſpirited declarations ‡.

* The King would have appointed Ormond, another creature of Straford's, and eſpecially recommended by him, to the office of deputy; but the Iriſh committee would not give way to it, nor to the appointment of the lord Dillon, who had engraſted himſelf by marriage into the Wentworth family with the earl of Strafford's ſiſter, and had been active in ſome of the late illegal proceedings. *Carte's Life of Ormond*, p. 116. *Borlace*, p. 6.

† It has been already mentioned, that the Iriſh houſe of Commons impeached ſeveral of the great officers of ſtate: this was the firſt precedent of the kind in Ireland. *Vide Carte*, vol. I.

‡ The following are the declarations of the Iriſh parliament concerning the ſtate of law, and the conſtitution of Ireland.

I. The

Ann. 1641. THE univerſity at Dublin did not eſcape theſe diligent inquiſitions into grievances. Strafford, who had

I. The ſubjects of Ireland are a free people, and to be governed according to the common law of England, and ſtatutes eſtabliſhed in their own parliaments.

II. The judges in Ireland ought to take the oath eſtabliſhed in ſeveral parliaments, and ought not, under any pretext of direction from the King, to hinder or delay the ſuit of the ſubject, or judgment thereupon; and if any judge be found in default therein, he ought to undergo due puniſhment, according to former proviſions in parliament, or as ſhall be declared in parliament.

III. The council table is no judicatory, wherein any action or ſuit can be determined.

IV. Proceedings before the chief governor alone, in an action or ſuit, are *coram non judice*, and void.

V. All grants of monopolies are contrary to the law of the realm, and therefore void.

VI. The officers of ſtate ought not to impriſon the ſubject but in caſes where the common law of the realm and ſtatutes do enable; and ought not to fine or cenſure any ſubject in mutilation of members, ſtanding in the pillory, or other ſhameful puniſhment, in any caſe, at the council-table; every perſon reſtrained of their liberty, upon demand ſhall obtain a writ of Habeas Corpus, and upon the true cauſe of their detainer being certified, the courts of juſtice ſhall do what to juſti e ſhall appertain, either by delivering, bailing, or remanding the priſoner or priſoners.

VII. An act of ſtate or proclamation cannot bind the liberty of the ſubject, nor alter the common law; and the judges of the law, who do vote for ſuch acts of ſtate, are puniſhable as violators of their oaths as judges.

VIII. No ſubject ought to be ſentenced to death or executed by martial law; the authors and actors of any ſuch ſentence or execution are puniſhable by the law of the land for their ſo doing.

IX. No man ought to be puniſhed for taking a voluntary oath before arbitrators, for the affirmance or dis-affirmance of any thing in civil cauſes.

X. No

left the ſtain of imperious will in every department of government, innovated the ſettled regulations of Ann. 1641.

X. No man is bound, or ought to be compelled, to acknowledge an offence laid to his charge, or the juſtneſs of any cenſure paſſed againſt him; nor no ſuch forced confeſſion or acknowledgment ought to hinder him from his bill of reviſal, or view of ſentence or decree.

XI. Judges ought not to deny copies of indictments to the parties indicted.

XII. The raiſing the reſpite of homage ſince the year 1637 was arbitrary and againſt law; and the barons of the Exchequer ought not to diſtinguiſh between the reſpite of homage and the true values of knight's fees.

XIII. The ſubjects of this kingdom may lawfully repair into England, either for redreſs of grievances, or other their occaſions; eminent officers of ſtate, or commanders of the army, only excepted.

XIV. Deaneries are not *de mere jure* donative, but ſome are donative, ſome elective, and ſome collative; the confirmation of the biſhop's grant by a dean *de facto* having *ſtallum in choro, & vocem in capitulo*, together with the chapter, is good at law.

XV. The iſſuing *quo warranto's* againſt boroughs, to ſhew cauſe why they ſent burgeſſes to parliament, and all the proceedings thereupon, is illegal and void; the right of ſending burgeſſes to parliament being queſtionable in parliament only; and the occaſioners, procurers, and judges, in ſuch *quo warranto's* and proceedings, are puniſhable in parliament.

XVI. Jurors are the ſole judges of the matter of fact, and ought not, for giving their verdict, to be bound over to the Caſtle-chamber.

XVII. No man ought to be cenſured in the Caſtle-chamber in the mutilation of members, or other brand of infamy, or in other caſes than are expreſly limited by the ſtatutes of the realm in ſuch caſe provided.

XVIII. In the cenſures of the Star-chamber eſpecial regard ought to be had to the words of the Great Charter, viz. "*Salvo contenemento*," &c.

XIX. A felon who flies the courſe of juſtice is no traitor, nor a proclamation cannot make him one.

XX. The teſtimony of convicted or protected rebels and felons is no ſufficient evidence in law on a trial for life; and the credit of the teſtimony

Ann. 1641. the univerſity of Dublin: Laud, for this purpoſe, was choſen chancellor: he drew up a body of ſtatutes on the ſame arbitrary plan as he had done thoſe of Oxford. The Iriſh houſe of Commons appointed a ſelect committee to examine the charters of the college, and ſtatutes in force: they excepted againſt many of them, paſſed a vote in condemnation of the government of the univerſity, authoriſed a committee to propoſe out of the old ſtatutes a new draught, and forbid the provoſt and fellows to make any elections, or to grant any leaſes until they had authority from parliament.

THUS was the ſtate of Liberty in Ireland attended with thoſe additional bleſſings, plenty, peace, and ſecurity. Trade and manufactories flouriſhed; taxes and contributions were now in a manner unknown to the happy ſubjects. Nature, admitting the improvements of art, adorned the fertile ſoil with a new face of beauty; whilſt the enjoyment of theſe benefits was heightened by the conſcious pleaſure that law had rendered them permanent. The old and new inhabitants, Proteſtants and Papiſts, were equal partakers of theſe advantages *, and linked together in the

timony of perſons accuſed or impeached, and not convicted, ought to be left to the jury.

XXI. The King grants lands to be held in free and common ſoccage, as of a caſtle or manor, by letters patent under the great ſeal; and by the ſame letters patent, or by other letters patent, grants a fair and market, reſerving a yearly rent, without expreſſing any tenure; as to the ſaid fair or market, it is not held by knight's ſervice *in capite*, or otherwiſe *in capite*. *Nalſon*, vol. II. p. 584, *& ſeq.*

* Such was the advantage that the native Iriſh found from Engliſh commerce and cohabitation, that many of the Iriſh chieftains turned their

ſtrong tie of intereſt. Nor was this the only balſam to heal ancient animoſities; the yet more powerful influence of ſocial converſe, alliance, inter-marriage, and conſanguinity, had operated for the courſe of many years. Such was the ſeeming harmony which reigned in this country between Papiſt and Proteſtant, that it gave no umbrage to the latter that the former now enjoyed the privilege of practiſing at the bar as lawyers, acting in the capacity of ſheriffs, and other magiſtracies, without taking the oath of ſupremacy; and that prieſts were as open in the exerciſe of their religion as the Proteſtant clergy: nor did the Engliſh parliament ſhew at this juncture any diſtaſte at theſe immunities. Ann. 1641. Carte's Life of Ormond, vol. I. p. 153. Guthry's Hiſt. vol. III. p. 1029, & ſeq.

THIS was but a ſhort-lived calm, a fatal ſtate of fond ſecurity, by which the working heads of ambitious prieſts were able to introduce more diabolical miſchiefs than perverted religion, in the moſt depraved ſtate of man, had ever yet effected. It is ſaid, that one Roger More, of an indigent fortune, yet ſwollen with fanciful ideas of greatneſs derived from family deſcent, and Owen O'Neal, a colonel in the Spaniſh ſervice, were the men who firſt formed a project to expel the Engliſh, and aſſert the independence of Ireland *. The plan was propoſed to lord Mac- Iriſh inſurrection and maſſacre. Carte's Life of Ormond, vol. I. p. 156, & ſeq.

their Iriſh tenants out of their lands, and took in Engliſh; who not only improved their farms, but were able to give better rents; on the other hand, the Engliſh, becauſe they could be ſerved at a cheaper rate, employed the Iriſh. *Temple's Hiſtory of the Iriſh Rebellion*, ed. 1746, p. 24, & *ſeq.*

* In the year 1639, Strafford had the intimation of a plot that was intended againſt the Proteſtants in Ireland; but not finding it ripe for

Ann. 1641. Macguire's Evidence. Borlace, p. 23, & ſeq.

guire and Sir Phelim O'Neal, two other diſſolute adventurers, then to all the Iriſh chieftains, who readily embraced the propoſal, on receiving intelligence, from one Toole O'Conley, a prieſt, that Owen O'Neal would be with them with his regiment of Iriſh Papiſts fifteen days after the riſing. They were likewiſe aſſured by More, that the Iriſh of the pale *, or the old Engliſh, being all of them Papiſts, would join their brethren; that the Iriſh officers in the Spaniſh ſervice had promiſed aſſiſtance; the pope would ſupply money; cardinal Richlieu had given aſſurance of a powerful aid †; and the Spaniſh ambaſſador had declared, that they ſhould not fail of ſuccours from Spain ‡. It was reſolved, that the caſtle of Dublin

Carte's Life of Ormond, vol. II. p. 159, & ſeq.

execution, and not caring at that critical time to raiſe any apprehenſions of a body of men he intended to arm, he gave the meſſenger who brought him the information a reward, and charged him to conceal the matter, and never again appear in that capacity. During the time that Strafford was in Ireland, his chief comrade was Sir Toby Mathews, one of the moſt turbulent of the Engliſh Jeſuits. *The Plot or Progreſs of the Iriſh Rebellion*, a pamphlet printed in 1644. *Carte's Life of Ormond*, p. 155.

* What is called the Engliſh Pale is a large circuit of land poſſeſſed by the Engliſh at the time of the firſt conqueſt of Ireland, and, till the period now treated of, inhabited by them. *Temple's Hiſtory of the Iriſh Rebellion*, 4to ed. 1724, p. 33.

† Cardinal Richlieu had formerly promiſed Tyrone to aſſiſt him in an enterprize on Ireland, as ſoon as the wars in Italy were over. *Macguire's Evidence. Nalſon*, vol. I. p. 549.

‡ The Spaniſh ambaſſador told colonel Bourn, an Iriſhman, that if the Iriſh Papiſts would take advantage of the times, and riſe, their meſſengers for ſupply would be received in Spain under canopies of gold. *Macguire's Evidence. Nalſon*, vol. I. p. 548.

ſhould

ſhould be ſeized * by Macguire, Macmahon †, More, Ann: 1641.
Plunket, Paul O'Neal, an active prieſt, and others; whilſt, on the ſame day, the reſt of the adventurers undertook to ſeize the caſtles and forts of the ſeveral provinces. On the twenty-ſecond of October, the day preceding that aſſigned for the enterprize ‡, the city of Dublin was full of conſpirators. The lords juſtices had received ſome dark and general hints that ſchemes of importance were tranſacting among the Iriſh; but ſuch was that apparent harmony and union of intereſt between the Proteſtant and Papiſt, that the intelligence was totally diſregarded. One O'Conolly, an Iriſhman and a Proteſtant, was truſted with the ſecret: at almoſt the very period of its intended execution, he diſcovered it to the juſtices: the juſtices fled for ſafety to the caſtle, reinforced the guards, and gave the alarm to the town. Macguire and Macmahon were taken. The diſcovery of a general inſurrection and maſſacre § was

* The execution of ſuch a deſign would have been eaſy: there were no fortifications about the city and ſuburbs; the lords juſtices, out of a due regard to the privileges of the inhabitants, had taken care not to quarter any ſoldiers in the town, though it contained fifteen Papiſts to one Proteſtant. Thus the guarding of the caſtle was conſigned to the care of eight warders, old and weak men, and forty halberdiers. *Carte's Life of Ormond*, vol. I. p. 168, *& ſeq.*

† Macmahon was grandſon to the earl of Tyrone.

‡ The commencement of this revolt was fixed to the winter ſeaſon, when it would be difficult to tranſport troops from England.

§ Whilſt Macmahon was examining, he drew on the walls thoſe repreſentations which preſented themſelves to his fancy concerning the tortures he ſuppoſed then inflicting on the Proteſtants. With the moſt hardened impudence he told the juſtices, that all the Papiſts in the kingdom were engaged in the plot; that what was to be done in other parts

Ann. 1641. extorted from theſe criminals, but too late to prevent the execution. Sir Phelim O'Neal, and the reſt of the infernal gang, were barbarouſly punctual to the villanies they had promiſed to perform. The perſons, houſes, cattle, and goods of the Engliſh were ſeized; an univerſal maſſacre enſued *; nor age, nor ſex, nor infancy were ſpared; all conditions were involved in the general ruin. In vain did the unhappy victim appeal to the ſacred ties of humanity, hoſpitality, family connection, and all the tender obligations of ſocial commerce; companions, friends, relations, not only denied protection, but dealt with their own hands the fatal blow. In vain did the pious ſon plead for his devoted parent; himſelf was doomed to ſuffer a more premature mortality. In vain did the tender mother attempt to ſoften the obdurate heart of the aſſaſſin, in behalf of her helpleſs children; ſhe was reſerved to behold them cruelly butchered, and then to undergo a like fate. The weeping wife, lamenting over the mangled carcaſe of her huſband, experienced a death no leſs horrid than that which ſhe deplored.

parts of the kingdom was ſo far advanced, that it was impoſſible for the wit of man to prevent it: it was true they had him in their power, and might uſe him as they pleaſed, but he was ſure he ſhould be revenged. *Borlace's Hiſt. of the Iriſh Inſurrection*, ed. 1680, p. 20, *& ſeq.*

* Carte ſays, that the Iriſh were at firſt buſy in plunder; that the maſſacre did not begin till the ſecond week of the inſurrection, when the rebels had ſecured to themſelves the entire counties of Tyrone, Monaghan, Longford, Leytrim, Fermanagh, Cavan, Donnegal, and Derry. On their ſeizing the perſons and goods of the Engliſh, they would tell them, "We only take your goods now, but worſe will follow." *Carte*, vol. I. p. 175, *& ſeq. Report of the Examinations taken before Commiſſioners appointed by the King's Authority.*

plored. This ſcene of blood received yet a deeper ſtain from the wanton exerciſe of more execrable cruelty than had ever yet occurred to the warm and fertile imagination of Eaſtern barbarians. Women, whoſe feeble minds received a yet ſtronger impreſſion of religious frenzy *, were more ferocious than the men; and children, excited by the example and exhortation of their parents, ſtained their innocent age with the blackeſt deeds of human butchery †. The Ann. 1641.

* Slaughtering the Engliſh was repreſented by the prieſts as the moſt meritorious of religious acts: they exhorted the people, with tears in their eyes, to rid the world of theſe declared enemies to the Catholic faith and piety. The murdering of Proteſtants, they ſaid, would be a good preſervative againſt the pains of Purgatory; nor would they adminiſter the ſacrament, but on condition that neither man, woman, nor child, ſhould be ſpared. Many of the rebels would ſay, after bragging of the number of barbarous murders they had committed, that they knew if they ſhould die, their ſouls would go immediately to Heaven. Nay, ſo much did they plume themſelves on the merit of theſe exploits, that an abbot was heard to ſay, he would not appeal to the mercy, but to the juſtice, of God, for good ſucceſs to the undertakings of the Papiſts in Ireland. *The Siege of Drogheda in Ireland. Appendix to the Siege of Drogheda. Depoſitions in Temple's Hiſtory of the Iriſh Rebellion.*

† Though the faithful page of hiſtory muſt hand down to poſterity, with a minute exactneſs, the villanies as well as the virtues of mankind, yet, as a particular detail of the ſufferings inflicted on the poor, defenceleſs, innocent Proteſtants, is a repreſentation too ſhocking to be dwelt on by a delicate humane mind, I think it neceſſary to give the reader an item, that the following note will impreſs on his imagination images of the moſt horrid kind. Some thouſands of Engliſh were burnt in their houſes, others were ſtripped naked, and, in hundreds in a drove, pricked forwards with ſwords and ſpikes to river ſides, and from thence puſhed headlong into the ſtream; ſome were manacled and thrown into dungeons, and there left to periſh at leiſure; others were mangled, and left to languiſh in the highways; ſome were happy enough to ſuffer the milder death of hanging; other more unfortunate wretches were buried

Ann. 1641. perſons of the Engliſh were not the only victims to the general rage: their commodious houſes and mag-

buried alive—this was the fate of a poor little infant, who, whilſt he was putting in the grave, cried out to his dead parent, "Mammy, mammy, ſave me!" yet could not his innocent cry pierce the heart of the hardened wretch from whom he received his fate; ſome were mangled and hung upon tenter-hooks; ſome, with ropes round their necks, were dragged through woods, bogs, and ditches, till they died; ſome were hanged up by the arms, and then cut and ſlaſhed, to ſee how many wounds an Engliſhman could endure; ſome were ripped up, and their entrails left hanging about their heels. Theſe kinds of cruelties were exerciſed on children of all ages, and many women with-child ſuffered the ſame fate. Children were forced to carry their ſick and aged parents to the place of ſlaughter; there were of theſe barbarians ſome ſo ingenious in their cruelty, as to tempt their priſoners, with the hopes of preſerving their lives, to imbrue their hands in the blood of their relations. Children were, in this manner, impelled to be the executioners of their parents, wives of their huſbands, mothers of their children; and then, when they were thus rendered accomplices in guilt, they were deprived of that life they endeavoured to purchaſe at ſo horrid a price. Children were boiled to death in cauldrons; ſome wretches were flayed alive; others were ſtoned to death; others had their eyes plucked out, their ears, noſe, cheeks, and hands cut off, and thus rendered ſpectacles to ſatiate the malice of their enemies; ſome were buried up to the chin, and there left to periſh by degrees. One Proteſtant miniſter was put into a caſk lined with iron ſpikes, and then rolled up and down till he was dead. Parents were roaſted to death before their children, and children before their parents. When any one, on the brink of mortality, deſired leave to ſay a ſhort prayer, the bigoted barbarians would exult over the fearful wretch, and tell him, that the agonies to be inflicted were but the beginning of infinite and eternal torments. When any of theſe victims, by the dread of ſuffering, were drawn to profeſs the articles of Popery, they would tell them, they were in a good faith, that they would prevent their falling from it and returning to hereſy; and on this would cut their throats. If any eſcaped the murdering hands of theſe human fiends, they were hunted, baited, and worried to death by their dogs. Nor could the miſerable condition of theſe wretches' excruciating pangs, their anguiſh of mind,

their

nificent buildings were either conſumed with fire, or laid level with the ground. Their cattle, though now part of the poſſeſſion of their murderers, becauſe they had belonged to abhorred heretics, were either killed outright *, or covered with wounds, turned looſe into the woods and deſarts, there to abide a lingering painful end †. This amazing unexpected Ann. 1641.

their agony of deſpair, aſſuage that luſt of cruelty which precept, bigotry, national prejudice, and the contagion of example, had kindled in the depraved nature of their brutal enemies. In the laſt ſtroke of death they expreſſed their malice with the following valediction, "Thy ſoul to the Devil;" and, at the hazard of a contagion, obſtinately refuſed burial to their mangled bodies.—The number of thoſe who died of the inhumanities ſuffered from the Iriſh Papiſts, are not thoroughly aſcertained: According to the computation of the rebels, they had ſlain one hundred and fifty-four thouſand in the province of Ulſter only. *Milton's Eiconaclaſtes. The Siege of Drogheda in Ireland. Appendix to the Siege of Drogheda. Report of the Examinations taken before commiſſioners appointed by the King's Authority. Remonſtrance from Ireland.*

* If they turned any of theſe poor beaſts to uſe, they cut their legs and fleſh off when alive, and then kept them three or four days in exquiſite torment. Carte ſays, that many thouſands of theſe animals, whom rapine had made their own, and which were neceſſary for their ſuſtenance, they deſtroyed in theſe ſenſeleſs expreſſions of rage. *Temple's Hiſt. of the Iriſh Rebellion.* 8vo ed. p. 197. *Carte's Life of Ormond*, vol. I. p. 177.

† The wickedneſs of theſe acts was improved by a perfidious breach of the laws of hoſpitality; the Iriſh lodging themſelves the night before and feaſting at the expence of thoſe they intended to murder the next day. Charlemont, a conſiderable fort, was ſurprized in this manner by Sir Phelim O'Neal: he ſent to Sir Tobias Caulfield, the governor, that he would viſit him: Sir Tobias, according to the hoſpitable cuſtom of the Iriſh, feaſted him and all his train; towards the evening the unſuſpecting landlord and his whole houſe were ſeized, and almoſt all murdered, a few making their eſcape. *Borlace's Hiſt.* p. 13, *& ſeq. Carte's Life of Ormond*, p. 172, *& ſeq.*

Ann. 1641. Temple's Hiſt. of the Iriſh Rebellion, p. 167, & ſeq.

ſcene of horror was yet heightened by the bitter revilings, imprecations, threats, and inſults, which every where reſounded in the ears of the aſtoniſhed Engliſh. Their ſighs, groans, ſhrieks, cries, and bitter lamentations, were anſwered with "Spare neither man, woman, nor child; the Engliſh are meat for dogs; there ſhall not be one drop of Engliſh blood left within the kingdom." Nor did there want the moſt barbarous inſults and exultation, on beholding thoſe expreſſions of agonizing pain which a variety of torments extorted. This was the ſcene which Ulſter produced.

Idem, p. 66, & ſeq.

Remonſtrance of the diſtreſſed Proteſtants in the province of Munſter. Examinations taken before the King's commiſſioners. Temple, 4to ed. 1724, p. 102, & ſeq.

In the other provinces, where they profeſſed humanity, they committed many acts of blood and cruelty, and not only expelled the Engliſh their houſes, deſpoiled them of their goods, waſted their lands, but ſtripped them naked, and turned them out to the ſeverities of a very ſharp ſeaſon. Among the multitudes that experienced this treatment, the greater number, through feebleneſs of age, or ſex, or conſtitution, ſunk under the rigor of cold and hunger; many of thoſe who reached Dublin died of the diſeaſes they had contracted, notwithſtanding great care and application were uſed to recover them; others, of keen ſenſations, reflecting on the horror of their fate, from a ſtate of plenty reduced to all the miſeries of poverty, with the additional loſs of parents, huſbands, wives, and children, abandoning themſelves to deſpair, refuſed all reſource but death, the only relief that could be found for ſuch multiplied calamities.

mities *. Nor was the exercise of rapine and blood confined to the lower class of rebels; men of rank not only practised these enormities, but stimulated the brutal inclinations of their followers †. The opportunity they found to glut their malice has been imputed to a default in the conduct of the unhappy sufferers; who, instead of deserting their habitations, and assembling together for mutual defence, relied on the protection offered them by their supposed friends, their landlords, tenants, and neighbours, of the Irish families ‡, who, on the faith of the most Ann. 1641. Temple, 8vo ed. p. 134, & seq.

* Such numbers of refugees died in the city of Dublin, that the church yards in the town not being sufficient to contain them, two large pieces of new ground were taken in, and set apart for this particular use. *Temple*, 8vo ed. p. 94, *& seq.*

† It is pretended, that the barbarities committed by the Irish sprung from the impious policy of Ever Macmahon, titular bishop of Downe, and Sir Phelim O'Neal, who finding himself successful beyond his most sanguine wishes, and having gathered together, in the space of a week, thirty thousand followers, had the foolish presumption to set himself up as king of Ulster. He, being a weak man, had no other plan of keeping his adherents attached to him, but by making them partakers in his horrid villanies, and dipping them so deep in blood and acts of cruelty, that, despairing of pardon from the English government, they should find themselves obliged from necessity to adhere to his fortunes. His scheme so far succeeded as to produce the following reflection in these ruffians: "Now, argued they, we have, without injury, without any kind of provocation, assaulted the English in this cruel manner, they who have nourished us in their families as their own children, and have made no difference between their countrymen and us, now that we have requited them such bitter evil for good, they will never trust us hereafter, and we must either destroy them entirely, or be destroyed by them." *Temple*, 8vo ed. p. 166. *Carte*, vol. I. p. 176.

‡ They were in some manner obliged to repose this kind of confidence in the Irish, from the circumstance of their not being provided

Ann. 1641. ſolemn engagements, got poſſeſſion of their goods, and then either murdered them themſelves, or delivered them up to other deſtroyers. If, by a courage Hume. aſſumed from deſpair, any families ſtood on their defence, they were diſarmed by promiſes of ſafety given under hand and ſeal, with the ſevereſt execrations; but, on their ſurrender, they experienced from the hands of the perfidious villains the ſame fate which had been impoſed on their countrymen. In this manner was the Engliſh colony exterminated in Ulſter.

THE Scots, from their numbers being more feared by the rebels, they affected at firſt to ſpare *, on the conſideration that they were not foreigners, but, in their original, of the common ſtock with the Iriſh †. This policy did not take its intended effect; the Scots roſe, to the number of five thouſand, and made ſome

with arms to defend themſelves. The impious policy of Strafford had in a manner diſarmed the ſubjects; they were forbid to ſell, or keep in their houſes, either powder or arms, ſave only what was allowed from the King's ſtore-houſe at Dublin. Powder they were obliged to buy of the King for two ſhillings a pound, and were not allowed to have above five pounds by them at a time.

* A proclamation was iſſued out, that no Scotchman, on pain of death, ſhould be moleſted in body, goods, or land. *Carte's Life of Ormond*, vol. I. p. 178.

† On the preſumption of treaties ſtill ſubſiſting between the old Iriſh and the Scotch Highlanders, the Iriſh fancied the Scots ſo much their friends, that even when forces landed from that country to aſſiſt the Engliſh government, they fondly believed that they came in the character of friends; and on this event releaſed ſome of their Scotch priſoners, with an injunction that they ſhould act with theſe forces. *Appendix to the Hiſtory of the Siege of Dreghеda*.

head

head against the rebels; but these encreasing daily in strength, the Scots were in their turn attacked, murdered, obliged to take shelter in their native country, or fly to places of security, and thus leave their lands to be despoiled by the enemy *. Ann. 1641.

* To take off the odium which the principles of Popery have incurred, from various crimes of perfidy and cruelty having been perpetrated by that sect, the friends and followers of the Romish faith have endeavoured to deceive the credulous, the ignorant, and the idle, into an opinion that circumstances have been greatly aggravated in relation to the bloody facts which, at various times, have been charged on Papists. The Irish insurrection, a fact which, with all its circumstances of horror, has been handed down to posterity with the concurrent evidence of its cotemporary writers, and on the most authentic authorities, has, on various occasions, been attempted, by all the arts of sophistry, to be softened, and the Irish massacrists have met with their advocates: but it is only modern times has produced one bold enough to exculpate them entirely from guilt. Such is the design of a performance, entitled "The Trial of the Roman Catholics," and published in 1764; but surely not with the approbation of that body. I should hope, in this enlightened civilized age and country, that the Papists themselves, abhorring the atrocious deeds of their deluded ancestors, would, from principles of justice, humanity, and a spirit of proper resentment, rejoice to see them handed down to posterity with all the marks of infamy they so well deserve.

The author of the before-mentioned tract, after dwelling upon the ancient animosities which subsisted between the English and the Irish, a circumstance which has little to do with an insurrection begun when civil contracts were formed and mutual confidence had taken place, pretends, that the severities of the English government were such, that, from the general laws of self-defence, the Irish were authorized in their act of insurgency. The severities practised by Charles on the Irish Papists, the fruits of his iniquitous desire to extend the power and property of the crown, had been equally inflicted on the Irish Protestants; and, on the very period of the insurrection, by an apparent coalition of the two parties, were in a fair way to be redressed: But an equal enjoyment of privileges was as opposite to the views of the Catholics, as the acting

Ann. 1641. THE ſaving of Dublin having preſerved a place of

acting on principles of Liberty was oppoſite to their religious prejudices. The vindicator of the Iriſh maſſacriſts might, with much more probability, and leſs contradiction to his other aſſertions, avow, that this body thought they had ſo much reaſon to be pleaſed with the government, for the partial favours they had received, and the further immunities they were promiſed, that the acts of violence they committed on their fellow ſubjects were in pure compliance to the commands of the King, and with an intention to extend rather than reſtrain a power from which they expected to regain ſplendor to their religion, at the expence of ſubjecting themſelves to all the ignominious miſeries which attend civil and religious ſervitude. This conceſſion would agree with their known principles, their declarations, and the aſſertions of the author.

" The principles of their religion, ſays he, preacheth peace, active obedience, and paſſive ſubmiſſion, to all civil eſtabliſhments under which they ſhall happen to live; and their conduct hath been proved invariably conformable to the ſaid precept, from generation to generation, beyond the memory of man." Though the truth of this aſſertion is evinced by the abject ſlavery ſubmiſſively endured by Roman Catholic ſocieties from century to century, and under which almoſt every ſtate profeſſing that religion at preſent languiſh, yet it is an abſolute contradiction to that rational principle of ſelf-defence on which the author endeavours to ground his vindication of the inſurrection of the year 1641. But what does he mean by an aſſertion ſo oppoſite to his plan of vindication? ſurely not to recommend the Roman Catholics to their fellow-ſubjects of the Britiſh empire: A people whoſe " religious principles teach them active obedience and paſſive ſubmiſſion to all civil eſtabliſhments under which they ſhall happen to live," whether thoſe eſtabliſhments are introduced by fraud, violence, or common aſſent, whether calculated for general or partial good, whether tyrannical or legal, may indeed, as proper tools of iniquity, be looked on with an eye of favour by ill-deſigning governors, but, on this account, muſt be regarded with contempt, jealouſy, and averſion, by a people who poſſeſs the bleſſings of Liberty, who know its value, who are acquainted with the equal rights of men, and underſtand the rational principles of government and ſubjection.——Could the intention of the author, in the fore-mentioned aſſertion, admit of doubt, it is fully cleared by the following

refuge to the Engliſh, it received within its gates mul- Ann. 1641.

following paſſage preceding it: "Speculative errors, or ignorance, ſays he, may, in certain caſes, be more than politically innocent; they may be politically uſeful: Auricular confeſſions, purgatories, faſts, and penances, are, to the members of the church of Rome, what diſcipline is in the military department; they preſerve Roman Catholics in the familiar uſe and practice of daily obedience: and this habit of reſpect and ſubmiſſion to eccleſiaſtical diſcipline is not unnaturally attended with reſpect and ſubmiſſion to the ſecular powers. Thus, the obedience of theſe people to the authority of their church is an earneſt of their obedience to the authority of all ſtates, whether Heathen or Chriſtian, under which they live. We cannot, indeed, boaſt of their being ſticklers for popular rights, or champions for Liberty, but we can truly affirm that they are the moſt loyal and amenable of all ſubjects under the ſun."

With an intention to extenuate the guilt of the Catholics, their vindicator endeavours to ſhew, that they were forced into the act of rebellion by the conduct of their governors, framed for the purpoſes of their deſtruction; but totally deſtroys the force of this aſſertion by confeſſing, that ſeveral malcontent Iriſh, of Engliſh extraction, being adviſed of the commotions in Scotland, and of the fomenting of jealouſies between the King and Engliſh parliament, looked on this as a fit ſeaſon, with the aſſiſtance of foreign forces, to recover their lapſed eſtates, and to eſtabliſh the religion of their forefathers; and, in this view, warmly, though privately, ſolicited aid from the ſeveral Catholic powers of Spain, France, and Italy.

The grounds on which he attempts to juſtify the Iriſh maſſacriſts from the cruelties with which they have been charged, has a foundation extenſive enough to vindicate the ſect of Papiſts from every enormity they are ſuppoſed to have been guilty of; viz. That the narrative of the maſſacre had been handed down to poſterity by Proteſtant, or rather Puritan, writers. This aſſertion is falſe; for the earl of Clanrickard, a Papiſt, Clarendon, Carte, and others of the high-church party, agree in moſt of the particulars which he pretends to deny. But granting it to be true, may not the reality of the maſſacre of St. Bartholomew, on the ſame pretenſion, viz. that ſtanch Proteſtants alone had handed it down to poſterity, with all its horrid circumſtances, be with equal reaſon denied?

Not

Ann. 1641. titudes of thoſe wretched ſupplicants; and there not

Not to mention the puerile advantages he takes in framing thoſe arguments he pretends to combat, this author, after eſtabliſhing the forementioned principle of juſtification, grounds great matter of triumph in the inaccuracies which are to be met with in lord Clarendon's account of the maſſacre. Surely any opponent but ſerjeant Stature would on this particular have not only obſerved, that this circumſtance had little to do with the argument, viz. the realities of the maſſacres ſaid to be committed by the Iriſh, but that a regular conſiſtent account of the progreſs of the inſurrection and maſſacre is to be found in the letters tranſmitted from the lords juſtices to the parliament and ſtate of England; and that with this account agree the earl of Clanrickard, Sir John Temple, Carte, and all the writers of note who have treated of that inſurrection.

It is next pretended, on the authority of a calculation made, and an opinion given, by Sir William Petty, ſecretary to Ireton in his capacity of lieutenant of Ireland, that the number of Proteſtants maſſacred in the firſt year of the rebellion did not amount to the number mentioned by the hiſtorians of thoſe times, and confeſſed by the maſſacriſts themſelves. Sir William Petty's obſervation is confined to the Engliſh ſufferers; now, of the Britiſh ſettlers the Engliſh were by much the leaſt part, and the Scots, in their turn, experienced from the cruelty of the Catholics a fate equally ſevere: theſe, it muſt be ſuppoſed, were comprized in the confeſſion of the murderers, and in the account of the writers cotemporary to theſe times. But granting that the number of Proteſtants murdered in the firſt year of the rebellion was much inferior to what has been generally imagined, ſuch a circumſtance has little weight, either in juſtification of the principles of a religion which inſtigated that bloody maſſacre, or its perpetrators; ſince it is certain, that almoſt all who fell into their hands, in the firſt ſtages of that rebellion, either were killed outright by the rebels, or died of the cruelties they ſuffered from them: and if any did eſcape, it was a very few, from whoſe ſervice they intended to reap advantage; ſuch as Bedel biſhop of Kilmore, and others, whom they were obliged to deliver up, for priſoners of conſequence of their own party taken by the ſtate. And ſo equally tainted were all the Iriſh Catholics with the ſpirit of cruelty, that the Engliſh of the Pale, after they entered into rebellion, were as highly guilty in this particular as the mere Iriſh.

But

being at this time above three thousand troops in the Ann. 1641.

But of all the trivial circumstances with which the author of the Trial of the Roman Catholics has availed himself in defence of the Irish massacrists, there is none in which he so highly exults as the following, viz. "That the minds of the Protestants, to whom fancy still represented the shocking scenes they had beheld, were perplexed with delusive visions of the ghosts of their brethren, wandering about from place to place, and crying for revenge; the guilty Papists were equally haunted with these visions as were the distressed Protestants." It was, in this superstitious age, a very natural consequence of the bloody transaction; but is by no means of force sufficient to destroy the legal evidence of depositions taken upon oath, on matters of a nature on which the deponents were not liable to deception: its standing upon record, among the other matters of evidence, sufficiently evinces the sincerity of those appointed by authority to take the depositions; whom the author very freely, without bringing the slightest proof against them, brands with the highest infamy.

Though I have no design to enter into any discussion on the principles of Popery, yet I cannot help observing on a quaintness of the fore-mentioned author. "The good principles of a church, says he, are not necessarily attended by conformable practices; and consequently the evil principles of a church are not necessarily productive of the evil practices of its members." This is saying very little in favour of Popery or its professors; since, though such is that aptness to vice in mankind that right principles in religion will not sufficiently restrain it, it will naturally be more predominant in those whose consciences are directed by evil principles in religion; unless we can suppose, that evil actions in men do not proceed from irregular appetites, but from a perverse inclination to act contrary to their conviction of right.

Notwithstanding the great pains which has been taken by this author, I cannot think the Irish massacrists can, to an unprejudiced mind, stand exculpated from a charge founded on the concurrence of the cotemporary writers of all parties, on the depositions of witnesses taken upon oath, and their own confession *; and this on such trifling circumstances as their vindicator has alleged in their defence, enforced by an observation, that, during the regency of Cromwell, no one would dare to print or publish a syllable in favour of Papists. This is not true; because Cromwell, to promote his ambitious views, declared himself

* Temple, 4to ed. p. 227.

Ann. 1641. whole kingdom *, ſome of the moſt vigorous of theſe fugitives, with others, in all to the number of four thouſand, were immediately enliſted; and bodies of the army, which were not ſurrounded by the rebels, were ſummoned to defend the town. There were in the caſtle at this time fifteen hundred barrels of gunpowder, match and bullet proportionable, arms for ten thouſand men, and thirty-five pieces of artillery. This military ſtore, provided by Strafford to arm Iriſh

the protector of, and in their turns actually favoured, the followers of every church, not excepting the Papiſts *; many of whom paid him the higheſt incenſe of flattery. But granting no ſuch thing could be attempted during the time of Cromwell's uſurpation, what prevented the Iriſh Papiſts from clearing themſelves of ſuch groſs imputations in the life of their patron Charles I. who was regarded as a party in the inſurrection, whoſe character was involved in their conduct, to whoſe court and preſence many of their leaders reſorted, and converſed freely with his miniſters and followers? But we find no traces of any ſuch attempt; not even in Clarendon, who, from his attachment to the court and epiſcopacy, on the conſideration that they avowedly abetted the intereſts of both, was inclined to favour the Iriſh rebels. He had the opportunity of converſing daily with their chiefs, and of learning from them every particular which favoured their cauſe; though the author is pleaſed to aſſert, that he relates his facts from rumour, and from cotemporary hiſtorians, deeply intereſted in blackening and ſuppreſſing the Iriſh Catholics.

* The ſtanding army in Ireland was uſually two thouſand men. Charles, to ſupport the tyranny of Strafford's adminiſtration, had raiſed them to five thouſand; but the parliament of England, not chuſing to truſt him with more of thoſe dangerous implements than they deemed neceſſary to preſerve the Engliſh government in Ireland, obliged him to reduce them to fourteen troops of horſe, amounting to nine hundred and forty three, and forty-one companies, making two thouſand two hundred and ninety-ſeven foot; a much inferior force than this having in James's time kept the peace of that country.

* Harris's Life of Cromwell, ed. 1762, p. 44, & ſeq.

Papiſts

Papiſts in ſupport of tyranny, providentially turned out the means to preſerve the cauſe of Freedom, and the Proteſtant intereſt in Ireland. Such a plenitude of Liberty, and ſo full a poſſeſſion of Property, did the inhabitants of this country enjoy, at the very time when this inſurrection broke out, that there was very little or no money in the royal treaſury *. This was remedied by the care of the officers of ſtate, who repreſenting to the people their neceſſities, the caſtle was ſoon victualled with proviſions to maintain the army for many months. Commiſſions were ſent by the juſtices for the raiſing the Scots in the Northern parts. Sir Charles Coote, a zealous Proteſtant, was made governor of the city of Dublin, and the caſtle was put under the care of Sir Francis Willoughby, an old-experienced ſoldier. Six hundred men were ſent to the relief of Drogheda, a place of importance, then beſieged by the Iriſh: the deſign being betrayed by the Engliſh of the Pale †, who wiſhed well to the rebel- Ann. 1641.

* When what is called the ſtate (viz. the governing power of a nation, in contradiſtinction to the governed) is rich, when governors appear in a plenitude of pomp to be ſupported by the wealth of individuals, this is a certain ſymptom that that nation is not free, that the people want one of the eſſential privileges which conſtitute Freedom; viz. ſo ſecure a poſſeſſion of Property that it cannot be taken from them, on any pretext, but by their aſſent; which, it muſt be ſuppoſed, would never be gained but on occaſions of their own immediate protection and advantage, ſince it is inconſiſtent with the affections of men to deſpoil themſelves of what they eſteem the greateſt good, for the particular immunities and enjoyments of others.

† One of lord Gormonſtone's grooms, by command from his maſter, went to Slaine, where the rebel army was lodged, and called them out of their beds to encounter the Engliſh forces. *Temple*, 4to ed. p. 136. *Borlace*, p. 37, *& ſeq.*

Ann. 1641. lion, though they had not yet declared themſelves, the convoy, which conſiſted of new-raiſed and unexperienced men, were ſuddenly attacked by the enemy, and defeated. This victory helped to ſupply the rebels with arms; and that reputation which attends ſucceſs encreaſed the number of their followers to ſo formidable an extent, that the juſtices laid aſide all thoughts of acting offenſively, and applied their whole attention to the providing for the ſecurity of the capital.

WHEN the news of this rebellion reached the parliament of England *, it was immediately reſolved in the lower houſe, that a conference be deſired of the Lords on the following articles: That fifty thouſand pounds be borrowed of the city of London †; that a committee of both houſes be appointed to conſider of the affairs of Ireland; and that this committee may have power to open all packets going to and coming from that kingdom. It was farther reſolved, that Owen O'Connoly, who diſcovered the treaſon, ſhould have a gift of five hundred pounds, and two hundred

Journals of Commons, vol. II. p. 300.

* The Commons firſt received the news of the Iriſh rebellion from ſeveral of the chief officers of ſtate, members of the houſe of Peers, and lords of the privy-council. After theſe had deſired leave of admittance in the uſual form, the houſe ordered chairs to be ſet for them: they entered the houſe uncovered, nor did they attempt to put on their hats till after themſelves and the Commons were ſeated; after which both the Commons and the Lords remained covered. *Ruſhworth*, vol. IV. p. 398.

† The city of London was to have eight *per cent.* for the loan, and the ſecurity of an act of parliament. *Ruſhworth*, vol. IV. p. 411.

a-year

a-year penſion; that the cuſtody of the Iſle of Wight ſhould be ſequeſtered in other hands *; that the perſons of Papiſts of quality be ſecured, and that ſuch Engliſh Papiſts having within one year laſt paſt removed themſelves to Ireland, not having an ancient eſtate or habitation there, be commanded by proclamation to return, and, if not obeyed, ſome courſe be taken by act of parliament for confiſcation of their eſtates; that the Lords be deſired to join concerning the diſſolution of the capuchins, and the ſpeedy ſending them away; that the ambaſſadors may be ſent to to deliver up ſuch prieſts of the King's ſubjects as are lodged in their houſes; that a liſt be brought in of the queen's prieſts, and other her ſervants; that a proclamation be iſſued commanding all ſtrangers who are not of the Proteſtant religion to deliver in tickets of their names, and an account of their ſtay, otherwiſe to depart the kingdom; that all innkeepers, and others who entertain lodgers, be commanded to give in tickets of the names of all ſuch lodgers in their houſes to the lord-mayor and aldermen of London, or to the next juſtice of the peace in Middleſex. The houſe of Commons farther ordered, that the oaths of allegiance and ſupremacy ſhould be tendered to the Iriſh, and ſuch other ſuſpected recuſants as were ſtudents at the inns of court; and that ſuch Iriſhmen as endeavoured to paſs into Ireland without notice ſhould be ſtopped, examined, and the oath of allegiance tendered to them; that no Iriſhman ſhould paſs out of

Abn. 1641.

Ruſhworth, vol. IV. p. 405. Parl. Hiſt. vol. X. p. 26.

Nalſon, vol. II. p. 621, & ſeq.

* The earl of Portland, a ſuſpected Papiſt, had at this time the government of the Iſle of Wight.

any

Ann. 1641. any of the parts of this kingdom to return to Ireland without ſpecial licence from the committee of both houſes for Iriſh affairs, or the lords of the privy-council, or the lord-lieutenant of Ireland; that no arms, munition, nor powder, ſhould be tranſported without ſuch a licence; and that, on the lord-lieutenant's certifying to the juſtices of Ireland the names of ſuſpected perſons, and the grounds of the ſuſpicion, the ſaid juſtices and the reſt of the council ſhould enter into examination of the parties, and ſhould have power to commit them to priſon till the truth was diſcovered; that the ſervants belonging to the King, queen, prince, or any of the King's children, ſhould, according to law, take the oaths of ſupremacy and allegiance. The earl of Leiceſter *, who had been lately appointed lord-lieutenant of Ireland, was directed to write to the juſtices to encourage them in their duty towards the defence of that kingdom, with aſſurances of a ſpeedy aſſiſtance. Theſe were the reſolutions which paſſed in the parliament of England on the firſt item of the Iriſh inſurrection †.

When Charles received intelligence of the rebellion, he immediately communicated it to the Scots, who diſpatched a ſmall body of men to ſupport their

* This earl of Leiceſter was grandſon of Sir Henry Sidney, who, at different times, had been eleven years governor of Ireland.

† Before any of thoſe circumſtances of horror which attended it were known; the lords juſtices letter, being dated two days after the rebellion commenced, ſpeaks only of a common inſurrection, and a deſign to ſurprize the caſtle of Dublin. *Nalſon*, vol. II. p. 514, *& ſeq.*

own

own colony in Ulſter, and appointed a committee to treat with the Engliſh parliament on the terms in which they ſhould engage farther in the Iriſh war. Unfortunately for the king, the zeal that he ſhewed in this buſineſs was entirely prevented from having its intended effect by the declaration of the rebels, who called themſelves the Queen's Army, and not only gave out that they had their party both in England and Scotland, that their reaſon for taking up arms was to vindicate royal prerogative invaded by a puritanical parliament, that they had authority from the King and queen, but even ſhewed a commiſſion under the great ſeal of Scotland, in which they were directed to ſeize on the forts and ſtrong places in Ireland, and arreſt the goods, eſtates, and perſons, of the Engliſh Proteſtants to the King's uſe, leſt, as the commiſſion expreſſed, the Proteſtant party ſhould carry things as violently againſt him in that kingdom as they did in England *. It is eaſily to be imagined, that a rebel-

Ann. 1641.

Examination of Audley Mervin.

Myſtery of Iniquity, ed. 1643.

* The Iriſh committee returned to Ireland the ſame month the King went to Scotland. There had been many and frequent conferences between them and the King and queen, but particularly with the latter; whom they flattered with hopes that they could eaſily ſeize into their hands the government of Ireland, and then they would aſſiſt the King to chaſtiſe the hot ſpirits of Weſtminſter. In theſe conferences the plot of the inſurrection is ſuppoſed to have been formed. On the return of the Iriſh committee, they left the lord Dillon behind them, who was ſent by the queen into Scotland. At this time, it is ſaid, the King was prevailed on to permit the commiſſion to be ſigned with the broad ſeal of this kingdom, that depoſit not being yet ſettled in the hands of a proper officer, but entruſted with the King's confidants; ſometimes with the marquis of Hamilton, ſometimes with Endymion Porter, the King's domeſtic, and ſometimes with one John Hamilton, a fiery prelatiſt.

It

Ann. 1641. lion attended with ſuch enormous circumſtances, de-

It is to be remarked, that the Iriſh at firſt exactly complied with the words of the commiſſion, contenting themſelves with ſeizing on the forts and ſtrong places in Ireland, and arreſting the eſtates, goods, and perſons of the Engliſh. Bedel biſhop of Kilmore, a prelate who had inſinuated himſelf much into the good graces of Strafford, the late lord lieutenant of Ireland, and was ſo great a favourite with the Popiſh party that he was not only ſuffered to live quietly in his own houſe, whilſt thoſe of the reſt of the Proteſtants were in flames, but treated with great reſpect till his death, which happened in a few weeks after the commencement of the inſurrection. This biſhop drew up for the rebels, inhabitants of the county of Cavan, a remonſtrance, in which it is inſerted, that the Iriſh Roman Catholics, for the preſervation of his majeſty's honour and their own liberties, thought fit to take into their hands, for his highneſs's uſe and ſervice, ſuch forts and other places of ſtrength as, coming into the poſſeſſion of others, might prove diſadvantageous, and tend to the utter undoing of the kingdom. The manifeſto of the Ulſter rebels complained of the general oppreſſions ſuffered by the Roman Catholics from ſubordinate governors, but profeſſed an immutable and pure allegiance to the King and his ſucceſſors; they acknowledged to have enjoyed ſome liberty of religion out of the affluence of his princely goodneſs; but the parliament of England, maligning and envying thoſe graces, were wreſting his prerogative out of his hand: ſeeing him thus oppreſſed by diſloyal ſubjects, they had taken up arms for the regaining his prerogative (the eſſence and life of monarchy), and had ſeized upon the ſtrong forts of the kingdom, to be enabled to ſerve his majeſty, and defend themſelves from the tyrannous reſolutions of his enemies; they were ready to yield up the places they had taken when his majeſty ſhould command them, and ſhould take a courſe for ſecuring them and the Proteſtants of the kingdom againſt factious and ſeditious Puritans. The rebels of the county of Longford took the oaths of allegiance to the King, and ſent a declaration to the council-board, wherein they demanded a general act of oblivion, without reſtitution of goods taken in the commotion, and, beſides many privileges to the mere Iriſh, an entire repeal of the penal laws againſt Papiſts: theſe to be confirmed by parliament. *Burnet's Life of Bedel Biſhop of Kilmore. Carte's Life of Ormond*, vol. I. p. 182, *& ſeq. Burn. Hiſt. of His Own Times*, vol. I. p. 41. *Myſtery of Iniquity*, p. 87, *& ſeq.*

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clared to have been undertaken by the King's autho- Ann. 1641.
rity*, with the concurrence of, and under promiſe of

* I ſhould neither do juſtice to the memory of this unhappy prince, nor to my own character as a faithful hiſtorian, if I did not ſtate the arguments which appear on both ſides, for and againſt the opinion of his being concerned in the Iriſh inſurrection. Thoſe in favour of the King cannot be better ſtated than they have been already done by the very ingenious Mr. Hume; I ſhall therefore tranſcribe his arguments, and annex ſuch obſervations as the ſubject is capable of.

Argument. Ought the affirmation of perfidious infamous rebels to have paſſed for any authority?

Obſervation. From whom elſe could ſuch an evidence be obtained? if the teſtimony of accomplices in guilt were not to be accepted, few crimes could be proved.

Argument. Nobody can tell us what the words of the pretended commiſſion were: that which we find in Ruſhworth and in Milton's works, Toland's edition, is plainly an impoſture, becauſe it pretends to be dated in October 1641, yet mentions facts which happened not till ſome months after. It appears that the Iriſh rebels, obſerving ſome inconſiſtence in their firſt forgery, were obliged to forge this commiſſion anew, yet could not render it coherent nor probable.

*Obſervation**. That the commiſſion was boaſted of and ſhewed by the rebels, at the very beginning of the inſurrection, is evidenced by a proclamation ſet forth by authority on the thirtieth of October 1641, ſeven days after the inſurrection commenced.—It is not likely, that both Sir Phelim O'Neal, the ſuppoſed author of the forgery, and his accomplices, ſhould be ſuch egregious blunderers as to fail in two attempts of ſo eaſy a nature as were thoſe of making ſuch a forgery coherent; and though the pretended copies of the commiſſion now extant do mention facts which happened ſome months after the date, this is no argument that the original commiſſion, boaſted of by Sir Phelim O'Neal at the beginning of the inſurrection, contained any incoherences at all. The words of the original commiſſion not being known, proves very little in favour of the King, ſince that ſuch a commiſſion was boaſted of ſo early as the ſeventh of October is evidenced by the fore-mentioned proclamation; and the original commiſſion being ſuppreſſed by the re-

* Ruſhworth, vol. IV. p. 401.

Ann. 1641. assistance from, the whole papistical body, operated with great power on the Protestants, rousing all that

bels themselves, is a presumption that they thought it would prove too much against the King, whose character they soon found it necessary, for their own preservation, to support.

Argument. Nothing could more obviously be pernicious to the King's cause than the Irish rebellion, because it encreased his necessities, and rendered him still more dependant on the parliament, who had before sufficiently shewn on what terms they would assist him.

Observation. The Irish rebellion did turn out to be very pernicious to the King's affairs, but this happened from cross accidents in the execution, and from the indiscretion of the rebels, circumstances which could not appear in the plan of the insurrection. The plan, as themselves declared, was no less than that of reducing all the Protestants in Ireland, of transporting a large army into England, and by the force of arms to establish the free exercise of Popery in that kingdom [a]. This project was not a chimerical one; had the castle of Dublin not been saved by the timely discovery of the plot, had the rebels possessed themselves of the arms and ammunition therein lodged, they would have found no resistance in that country, and might with great ease, after the slaughter of all the Protestants, have transported a numerous army into England. That this army, when united to the large body of English Papists, and others, who, like themselves, were champions for the royal prerogative, would have had power to establish, by force of arms, the King's authority and the queen's religion, might have been the conceit of no mean politician. The King's project of rendering himself despotic, at the very period when it was in a manner effected, had been entirely defeated by a Scotch invasion; and as this invasion, with the concurrence of the staunch Protestants in England, had acted so powerfully against him, he might be desirous to try what an invasion of Irish Papists, with the concurrence of the English Papists, and his other partizans, might act for him. But had the plan of the insurrection not been so fully effected as the design of it promised, yet the Irish rebellion would have been an incident very much in favour of the King, had it not been for the premature declaration of the rebels. It would have enabled him, under the pretence of vindicating his legal authority

[a] Temple's History of the Irish Rebellion, 8vo ed. p. 132.

and

latent terror and averſion which the paſt conduct of this ſect had impreſſed on their minds. It was natu- Ann. 1641.

and defending his Proteſtant ſubjects, to have exerted that prerogative which was ſuppoſed to be yet in the crown, viz. to levy an army, and take on himſelf the whole conduct of the war. With the opportunity this would have given him to treat with the rebels on terms favourable to their purpoſes and his own, terms which he then would have had power to effect; with the opportunities this would have given him, had things come to extremities, of uniting himſelf, with all his train of followers, to the rebel army; this rebellion might have procured him many fair chances to have effected thoſe ſchemes of power, the execution of which the Scotch invaſion had for ſome time poſtponed. Nor can it be objected, that Proteſtants would not have co-operated with Papiſts againſt Proteſtants, and againſt the ſecurity of their own religion: the contrary is evidenced by the conduct of the marquis of Ormond, and other Proteſtants in Ireland, who actually joined the rebel army; the contrary is evidenced by the conduct of that party which yet adhered to the King in England, who not only ſhewed themſelves ready to cut the throats of their Proteſtant brethren, but to join with theſe profeſſed enemies to their religion in a cauſe ſo ſacred as the right divine of deſpotiſm in princes. That the King was deprived of the advantages this rebellion promiſed, was entirely owing to the indiſcretion of the rebels themſelves, who blabbed out that which, till things came to maturity, ought to have been an inviolable ſecret, viz. that the King was no enemy to their ſchemes, nor was it their intention to act againſt his power and government, but merely againſt thoſe his Proteſtant ſubjects, who wiſhed, for their own preſervation, to curtail his power. This indiſcretion of the rebels, which diſappointed ſuch ends by giving the parliament a pretence to take on themſelves the management of the Iriſh war, is lamented in the following remarkable manner by Charles's great partizan, the earl of Clarendon*. "They fooliſhly, ſays he, deprived themſelves of that protection and mercy which his majeſty would willingly have vouchſafed them for their reduction and preſervation."

Argument. The inſtant the King heard of the rebellion, which was a very few days after its commencement, he wrote to the parliament,

* Clarendon's Vindication of James Duke of Ormond, 8vo ed. 1756, p. 17.

Ann. 1641. ral for the people to look on the authority and power of the parliament to be their only ſafeguard from the

and gave over to them the management of the war. Had he built any projects on that rebellion, would he not have waited ſome little time to ſee how they would ſucceed? Would he preſently have adopted a meaſure ſo obviouſly hurtful to his authority?

Obſervation. The King did recommend to the parliament the caſe of Ireland very ſoon after the rebellion commenced; but this was not till he found himſelf accuſed of being the chief promoter of this rebellion, attended with circumſtances which rendered execrable every individual concerned in it; it was not till after the parliament by their committee had given him ſhrewd hints that they believed the accuſation. The King in theſe circumſtances, to exculpate himſelf from ſo foul a ſuſpicion, was obliged to recommend the care of Ireland to the parliament; which, it is plain by his after-conduct, he did not mean in ſo large a ſenſe, nor ſo trenching on his authority, as the parliament found it neceſſary and uſeful to interpret it in. He made many attempts to procure to himſelf the management of the war, attempts which were rendered abortive by the confidence the public had in the parliament, and by the ſuſpicions they had entertained of the King, and not by the virtue of his declaration, that he recommended to the parliament the care of Ireland; a declaration he might on many pretences have retracted, had not the accuſation of being principally concerned in the inſurrection entirely deprived him of the confidence of his people.

Argument. What can be imagined to be the King's projects? to raiſe the Iriſh to arms, I ſuppoſe, and bring them over to England for his aſſiſtance. But is it not plain that the King never intended to raiſe war in England? had that been his intention, would he have rendered the parliament perpetual? does it not appear, by the whole train of events, that the parliament forced him into a war?

Obſervation. It is to be imagined, that the King would have been glad of aid from the Iriſh, or from any body of men who would have aſſiſted him to have ſubdued the parliament: witneſs his fruitleſs treaty with the Engliſh army [a], witneſs his attempts to bribe the Scots, witneſs his letters to the king of Denmark, in which he complains of the parliament, and deſires aſſiſtance. The King had tried various ways, but

[a] Myſtery of Iniquity, p. 22.

with

terror of Popiſh plots and conſpiracies; it was natural for them to determine that a rebellion, ſo grateful as Ann. 1641.

without ſucceſs, to raiſe an oppoſition to the parliament. The act of continuing the parliament was, together with the bill of Strafford's attainder, extorted from him by the united voice, or rather clamour, of the people, on the diſcovery of the attempts to bring the army againſt the parliament. It does not appear, that the King was in a capacity to levy war at this time; it was not till after this period, when the death of Strafford had aſſuaged the envy of individuals, that he could unite to himſelf a ſufficient number of partizans to entertain any thoughts of attempting hoſtilities. The King looked on his ſuppoſed prerogative to be ſo ſacred a thing, that any encroachment on it was a ſufficient incentive to war; the whole conduct of this parliament, from the beginning to the end, was conſequently regarded by the King as forcing him into a war, which war he certainly would have entered on ſooner, had his ſituation been adequate to ſuch an undertaking.

Argument. The King conveyed to the juſtices intelligence which ought to have prevented the rebellion.

Obſervation. The letter here referred to ſpeaks of intelligence from abroad, as if a rebellion was expected in Ireland; its date, being on the ſixteenth of March 1640, ſhews it to have been written in the very heat of Strafford's proſecution, at a time when neither the King nor the Iriſh committee were at leiſure to think of conſpiracies. It was after this period that the cabal is ſuppoſed to have commenced between the King and the committee.

Argument. The Iriſh Catholics, in all their future tranſactions with the King, where they endeavour to excuſe their inſurrection, never had the aſſurance to plead his commiſſion: even among themſelves they dropped that pretext. It appears that Sir Phelim O'Neal chiefly, and he only at firſt, promoted that impoſture.

Obſervation. The Iriſh Catholics ſoon found the diſadvantages they had incurred from pleading the King's commiſſion; that by throwing ſo foul a ſtain on his reputation, they had diſabled him from affording them that aſſiſtance and protection he was otherwiſe well inclined to do: this is a good reaſon both for their not pleading the commiſſion in their public tranſactions with the King, and for dropping the pretext among themſelves. Had they found that ſuppoſed forgery to be neceſ-

ſary

Ann. 1641. this was ſuppoſed to be to the prevailing faction at court, would not be ſuppreſſed by a war conducted by

ſary or convenient for their affairs, it would have been very eaſy for them to have ſupported it on the ſame authority on which it was at firſt broached; viz. the great ſeal of Scotland. It could not be conſcience which made theſe people retract the falſhood; for through the whole courſe of the rebellion they never ſhewed the leaſt kind of repentance for all the rapacious, bloody, violent deeds they had committed; ſins of a much deeper dye even than ſuch an impoſture. Indeed the King looked upon this, as well as the cruel butchery of the Proteſtants, as offences of ſo trivial a nature, that, by the ceſſation in 1643, he ſaved theſe aſſaſſins, both of his character and his people, from the reſentment of thoſe they had injured; and afterwards united himſelf to them by a firm peace. Sir Phelim O'Neal, whoſe character was as deficient in ſenſe as humanity, was the firſt man who boaſted of this commiſſion; a better politician would have been ſilent. But he is not the only one who aſſerted, that the plan of the inſurrection was tranſmitted from England *: Macmahon, one of the conſpirators, who was to have ſurprized the caſtle of Dublin, confeſſed, that "the original of the rebellion was brought to them out of England by the Iriſh committee employed to his majeſty for the redreſs of grievances."

Argument. O'Neal himſelf confeſſed the impoſture at his trial and execution.

Obſervation. Allowing this confeſſion to be true, ſuch a retractation is not much to be depended on. Sir Phelim O'Neal muſt have been guilty of a falſhood either in the aſſertion or in the denial; and though the evidence of a dying perſon is in general of great weight †, yet, as the excellent Algernoon Sydney ingeniouſly obſerves on the behaviour of the five prieſts who ſuffered for the Popiſh plot, the Papiſts, by arts formerly unknown to mankind, have found ways of reconciling falſhood in the utmoſt degree with the hopes of ſalvation, and at the beſt have no more to brag of than that they have made men die with lies in their mouths. This obſervation, which experience ſhews to have been grounded on fact, is a two-edged weapon againſt Sir Phelim's evidence. Is it to be ſuppoſed, that a perſon ſo weak and ſo wicked as was Sir Phelim O'Neal, guilty of thoſe execrable barbarities which were perpetrated

* Ruſhworth, vol. V. p. 309. † Sydney's Diſcourſes on Government, 4to ed. 1763.

on

that faction, and that the parliament was the only power to whom, with ſafety to the cauſe of Religion Ann. 1642.

on the Proteſtants in Ireland, guilty of ſuch robberies, rapine, and ſpoil, as were committed in that country by his expreſs orders and for his advantage, guilty of many manifeſt breaches of truſt and violation of oaths and treaties; is it to be ſuppoſed that ſuch a man could be ſubject to the delicate feelings and nice compunctions of honour? that a man who had inflicted on the living injuries of the moſt atrocious nature, ſhould, at his own coſt, from mere motives of juſtice, exculpate the injured memory of the dead? It is to be imagined, that a man of Sir Phelim O'Neal's character would, on the tremendous occaſion of an execution, give up his ſpiritual concerns entirely to the management of prieſts, and that the balſam of prieſt-craft was the only ſalve for ſo ſore a conſcience. It muſt be obſerved, that the cauſe of the Stewarts was at this time particularly the cauſe of the Papiſts, the expectation of this body being entirely confined to the reſtoration of that family to the monarchy of England.

Argument. It is ridiculous to mention the juſtification which Charles II. gave to the marquis of Antrim, as if he had acted by his father's commiſſion. Antrim had no hand in the firſt rebellion and maſſacre; he joined not the rebels till two years after, and he performed important ſervices to the King in ſending over a body of men to Montroſe.

Obſervation. Antrim * was in open rebellion in leſs than two years after its commencement, as appears by the declaration of the Lords and Commons, dated July 1643. He is in that declaration called a notorious rebel, taken and impriſoned by the Scotch army in Ulſter. Borlace, in his Hiſtory of the Iriſh Inſurrection, obſerves, that the marquis of Antrim, from the beginning, had paſſionately ſerved the confederate Catholics in their moſt intimate concerns. † Antrim was of a very mean underſtanding, yet exceedingly given to projects and undertakings: He had ſo much credit at court, that on his propoſing, in 1638, under pretence of claim to part of the earl of Argyll's poſſeſſions, to invade his territories, Charles wrote over to Wentworth to furniſh him with arms and other military ſtores ‡; and though Wentworth repreſented to the King, that he neither hoped much from his parts, his power, or his affections, and that he durſt not communicate his demands to the coun-

* Harris's Life of Charles, 8vo ed. 1758. † Vol. II. of this Hiſtory, p. 282.

‡ Harris, p. 341, & ſeq.

cil,

Ann. 1641. and Liberty, it could be committed. Such being the affections and ſuch the opinion of the public, on an

oil, for he was ſure they never would adviſe ſuch a ſtrength to be entruſted with the grandchild of the earl of Tyrone, yet Charles inſiſted on Wentworth's encouraging, countenancing, and aſſiſting Antrim in his undertaking; and, though he was a Roman Catholic, to find ſome way to furniſh him with arms. Upon the receipt of the King's command, Antrim raiſed the Iriſh clans, the O'Neals, the O'Haras, the O'Lurgans, the Macgenniſſes, the Macguires, the Macmahons, the Macdonnels, O's and Macs in ſuch numbers, Wentworth wrote, as would ſtartle a whole council-board, and required them, in the King's name, to meet him with their forces; ſo that the buſineſs became the common diſcourſe of the whole kingdom. It muſt be owned, that Charles II.'s juſtification of this man, who had been engaged in many murders and villanies, is very extraordinary *. "Beſides the letters and orders under the King's own hand, writes he to the marquis of Ormond, there is ſufficient evidence of ſeveral private meſſages and directions ſent from our royal father, and our royal mother, with the privity and with the directions of the King our father, by which the referees are perſuaded, that whatever intelligence, correſpondence, or actings, the ſaid marquis had with the confederate Iriſh Catholics, was directed or allowed by the ſaid letters, inſtructions, and directions: and that it manifeſtly appears to them, that the King our father was well pleaſed with what the marquis did, and approved the ſame. We cannot in juſtice but, upon the petition of the marquis of Antrim, and after the ſerious and ſtrict inquiſition into his actions, declare unto you, that we do find him innocent from any malice or rebellious purpoſe againſt the crown; and that what he did by way of correſpondence or compliance with the Iriſh rebels, was in order to the ſervice of our royal father, and warranted by his inſtructions, and the truſt repoſed in him; and that the benefit thereof accrued to the ſervice of the crown, and not to the particular advantage and credit of the marquis." Clarendon, who, during the whole courſe of the civil wars, had entered into all the court intrigues, and managed the King's affairs, was nettled at this ſlur on his own reputation, and would have rejected Antrim's petition to examine the warrants he had acted on, ſaying, it was a high indignity to the memory of the late King; and that if any perſon had pretended

* Burnet's Hiſtory of His Own Times, vol. I. p. 40, & ſeq.

to

expreſſion falling from the King, that he committed Ann. 1641.

to affirm ſuch a thing at Oxford, he would either have been ſeverely puniſhed, or the King would have had a thin court. The earl of Northumberland, one of the committee of council appointed to examine the warrant Antrim had acted on, refuſed to ſign a report in his favour; and ſaid, he was ſorry he had produced ſuch warrants; but he did not believe any warrant from the King or queen could juſtify ſo much bloodſhed. Northumberland's example was followed by the reſt of the committee; and the King was obliged to write the forementioned letter to the duke of Ormond, telling him, that Antrim had ſo fully vindicated himſelf, that he muſt get him included in the act of indemnity.

The following *Argument* may be urged in favour of the King; viz. Suppoſing he did excite the Iriſh to arms, would he have expoſed himſelf to a diſcovery by granting them a commiſſion to riſe, under the great ſeal of Scotland?

Obſervation. The Iriſh might have refuſed to engage in the undertaking without ſuch a token of the King's approbation. Charles was himſelf of an enterprizing genius; and it is to be remembered, that though he greatly affected arbitrary power over his people, he paid an implicit obedience to the will of his wife, a woman who was the very quinteſſence of intrigue, and whoſe pride and bigotry had been greatly provoked by the power and conduct of the parliament. From the violence of her diſpoſition it is to be ſuppoſed, that ſhe would have engaged her huſband to run any riſk rather than render abortive a deſign which promiſed fair both to inveſt her with arbitrary power, and to re-eſtabliſh in Great Britain the holy religion. That Charles was capable of being guilty of imprudences of this nature, his treaty with the army to oppoſe the parliament, to which he ſigned his name in token of his approbation of ſuch an attempt, is a proof.

It muſt be owned that the queſtion, Whether Charles was or was not guilty of granting a commiſſion to the rebels to riſe, is involved in great doubts and difficulties. This parliament, the moſt auguſt aſſembly that hiſtory can boaſt, in their vote for no more addreſſes (in which, for the manifold crimes Charles had committed againſt his people, they abſolve them from any farther allegiance) gives it clearly againſt him. Milton, an author of the moſt reſpectable character, both in regard to judgment and integrity, is of the ſame opinion; as is alſo the author

Ann. 1642. the care of Ireland to the Engliſh parliament *, that aſſembly, affecting to interpret it in an unlimited ſenſe, aſſumed the entire management of the war †,

of the Myſtery of Iniquity, a ſenſible and ingenious tract, publiſhed in the year 1643; with other writers of note and reputation. On the other ſide, many authors of judgment and candor, on various grounds, exculpate him from this accuſation. The author of this hiſtory leaves it entirely to the candor of the reader, without preſuming to give any judgment on ſo tender and difficult a point.

The nature of the above argument obliged the author, contrary to her cuſtom, to mention three facts before their regular ſucceſſion; viz. The declaration of the parliament for no more addreſſes, Sir Phelim O'Neal's execution, and Charles II.'s juſtification of the marquis of Ormond.

* The parliament gave inſtructions to their committee to inform the King, that they looked upon the conſpiracy in Ireland to be the effect of the ſame counſels which had ſo long diſtracted England and Scotland; that if perſons of ſuch aims ſhould ſtill continue in credit and authority, the great aids which they would be forced to draw from the people for ſubduing the rebellion would be employed for the fomenting it, and encouraging the like attempts in England; that if his majeſty would not condeſcend to their petition of employing ſuch councils and miniſtry as ſhould be approved of by parliament, they ſhould be obliged, in diſcharge of their truſt, to reſolve upon ſome way of defending Ireland, as ſhould concur to the ſecuring themſelves from the miſchievous councils and deſigns which had lately been, and ſtill were, in practice and agitation againſt them. The Engliſh parliament paid all that deference to the authority of the parliament of Scotland which they expected ſhould be paid to them: They adviſed the King, that one regiment, conſiſting of a thouſand men, ſhould be immediately tranſported into the northern parts of Ireland; but this was to be done by the council and authority of his parliament in Scotland, to be provided in a manner, and commanded, as ſhould ſeem beſt to their great wiſdom and experience. *Ruſhworth*, vol. IV. p. 423, & *ſeq.*

† As the rebels, by an unprecedented piece of indiſcretion, had thought fit to plead the King's commiſſion for the enormities they had com-

and at once disarmed the crown of that part of the executive power which, on this occasion, had been universally apprehended. Ann. 1641.

FRESH intelligence coming from Ireland of the exceeding spreading of that rebellion, with the cruelties in which it was every where signalized, the house of Commons came to the following resolutions: That two hundred thousand pounds be forthwith raised for the present occasions of Ireland: That a convenient number of ships be supplied for guarding its coasts: That six thousand horse and two thousand foot be raised for a present expedition into Ireland *: That Temple, 4to ed. 1724, p. 155, & seq. Journals of Commons, vol. II. p. 304.

committed, he was obliged passively to submit to what undoubtedly he thought an usurpation; lest opposition should render him suspected of favouring the progress of the rebellion.

Clarendon, as is elsewhere shewn, laments the inconveniences both the King and the rebels incurred from this piece of indiscretion, in a very remarkable manner, and says, "That report raised by the Irish Catholics, of the King's being a party in the insurrection, obliged him to commit the whole management of the war to his two houses of parliament; who, if any thing was proposed of over-much rigor, if the King made any scruple or pause in giving his consent to the same, they straight declared, they were obstructed in sending relief to Ireland; and published some particular relations of the lamentable and inhuman massacre made there by the Irish, which were confirmed by multitudes of miserable undone people who landed from thence in several places of England, who reported the rebels discourses of executing all by the King's directions; so that indeed it was not in his power to deny what they thought fit to say was necessary for the good work." *Clarendon's Vindication of Ormond*, p. 16, *& seq.*

* A report was brought in from the committee of Irish affairs, that the pay of a regiment of one thousand foot, together with the officers, would amount to nineteen thousand two hundred and one pounds *per annum*; six hundred horse to thirty-seven thousand three hundred and ten

Ann. 1641. măgazines of victuals be forthwith provided at West-Cheſter, to be ſent over to Dublin as the occaſion of that kingdom ſhall require: That the magazines of arms, &c. now in Carliſle, ſhall be forthwith ſent over *: That the earl of Newport, maſter of the ordnance, ſhall have power to ſend his commands, and iſſue forth warrants for the bringing up the magazine of arms and ammunition, remaining now in Kingſton upon Hull, unto the Tower of London, for the ſecuring the kingdom: That directions ſhall be given for the drawing a bill for the preſſing of men for the Iriſh ſervice †.

Nalſon, vol. II. p. 643.

ten pounds; and the general officers of the field to nineteen thouſand five hundred and forty-one pounds. It was ordered by the Commons, that the proteſtation ſhould be taken by all officers and commanders, before they were employed in the ſervice of Ireland. *Nalſon*, vol. II. p. 642, 652.

* Letters arrived from Ireland, dated the twenty-fifth of November, in which the juſtices gave thanks to the parliament for their care in ſending over proviſions and money. The ſame letters intimated, that the rebellion grew every day more general; that the rebels were come within four miles of Dublin; that they acknowledged the King for their ſovereign; and, by the mouth of the lord Dillon, viſcount Coſtilough, had ſent in ſome high demands concerning the repeal of the penal laws againſt Recuſants, and farther immunities reſpecting the Iriſh. *Ruſhworth*, vol. IV.

† The diſpatches from the juſtices, which brought this intelligence, were dated the fifth of November. In their letter to the council they repreſented the great progreſs the rebellion had in a few days made, and the outrages the rebels had committed on the Britiſh inhabitants in Ulſter; that they had ſeized upon all their eſtates and houſes in five counties of that province, detained many of the principal gentlemen priſoners, and had already ſlain many moſt barbarouſly; that the rebellion began to diffuſe itſelf in other counties; that they conceived there could be no leſs than thirty thouſand who had already declared themſelves

THE King, having, at the expence of many of his prerogatives, endeavoured to gain at leaſt a neutrality from the Scots, in the conteſt likely to enſue between him and his Engliſh ſubjects, put an end to their parliament; and taking a kind farewel of his countrymen, returned to London *. His entrance into this city was on the twenty-fifth of November. By the indefatigable pains and intrigues of Sir Richard Gurnay, the lord-mayor, a bigoted royaliſt, he was received and feaſted with great oſtentation of public joy; nor was there wanting any kind of expence, parade, and pageantry, to render the compliment perfectly agreeable †.

Ann. 1641. The King returns to England.

His public entrance.

ſelves in the rebellion; and that they underſtood their deſign was, having got Dundalke, to take in Drogheda, and ſo to come up immediately to beſiege the caſtle of Dublin. *Ruſhworth*, vol. IV.

* On the return of the commiſſioners from Scotland, they were thanked by their reſpective houſes for having faithfully diſcharged the truſt which had been repoſed in them. *Nalſon*, vol. II. p. 674.

† The queen had taken a great deal of pains that the King ſhould be received with a more than ordinary magnificence, on purpoſe to mortify the parliament. It ſerved to raiſe the ſpirits of the King's party, who bragged loudly that the city was weary of the parliament, and would be ready to join with the King againſt them.——The King, in anſwer to a pompous ſpeech of the recorder, makes the following ſelf-flattering obſervation: "That he now ſees the inclinations of the better and main part of the city had been ever loyal and affectionate to his perſon and government; and that the tumults and diſcords had only riſen from the meaner ſort of people."——The kind of demonſtrations of applauſe which the King met with, are commonly extorted from the ſottiſh multitude by a variety of ſtate tricks; therefore are not true ſtandards to judge of the real affections of the public towards their governors. It is to be obſerved, that the King, with an intent to cajole the city, told them, that he gave them back that part of Londonderry

Ann. 1641. He deprives the parliament of their guard. Parl. Hiſt. vol. X. p. 51, & ſeq.

CHARLES was ſo elevated on theſe demonſtrations of affection, which he looked on to be general and ſincere, that he at once re-aſſumed his former haughty conduct; and the firſt ſtep he took after his return was to diſmiſs the guard which the parliament had appointed for their ſecurity *. Sir William Balfour,

derry which had been formerly evicted from them. This was a pretty extraordinary preſent; ſince the houſe of Commons, by condemning the judgment as illegal which paſſed that eviction, had repoſſeſſed them. Vol. III. of this Hiſtory, p. 20.

* On the parliament's expoſtulating with the King on this diſmiſſion he ſent them word, that it was his royal pleaſure the guard ſhould be diſſolved; his preſence would protect them; he knew they had no cauſe to fear; but he was ſo tender of their ſafety, that, to ſecure them not only from real but imaginary dangers, he would command the earl of Dorſet to appoint ſome of the trained-bands, for a few days only, to wait on both houſes. The houſe of Commons paſſed an order, That the guards the King appointed ſhould be diſmiſſed, and that the conſtable of Weſtminſter ſhould appoint a ſtrong and ſufficient watch in their ſtead. They gave the following reaſons for their fears; viz. The numbers of ſuſpicious diſorderly perſons, eſpecially Iriſh, lurking about London; the plot in Scotland againſt the lives of three members of parliament, ſpoken of here before it happened there, with an intimation that the like was intended againſt divers members of both houſes here; the former plot againſt the Engliſh parliament; the conſpiracy and maſſacre in Ireland, conducted with ſuch ſecrecy, that, but for the providential diſcovery at Dublin, it had been executed in one day throughout the kingdom, and ſome of the chief conſpirators have confeſſed that the like was intended in England and Scotland; ſeveral advices from abroad of deſigns againſt religion, and the parliaments of Scotland and England; the ſecret meetings, conſultations, and devotions of Papiſts, for the ſucceſs of ſome great deſign in hand; from divers examinations taken of their dangerous ſpeeches, they did conceive there was juſt cauſe to apprehend ſome wicked and miſchievous practice to interrupt the peaceable proceedings of parliament ſtill in hand; but rather than admit of ſo dangerous a precedent as to have a guard appointed them under the command of any perſon themſelves ſhould

who had been faithful to the truſt repoſed in him by parliament, was deprived of his office of lieutenant Ann. 1641. Ludlow, p. 8.

ſhould not chooſe, they would run any hazard: but they left it to his majeſty to conſider, whether it will not be fit to ſuffer his high court of parliament to enjoy that privilege of providing for their own ſafety, which was never denied inferior courts.

Some little time before the King's return from Scotland, one Beale, a taylor, informed the houſe of Commons, that, walking in the fields, he had overheard certain perſons diſcourſing of a dangerous conſpiracy; that one hundred and eight ruffians were hired to murder one hundred and eight of the Puritan members of both houſes of parliament; and that when the city of London ſhould be in an uproar on this aſſaſſination, which was appointed to be perpetrated on the eighteenth of November, there were to be riſings of Papiſts in ſix ſeveral parts of the land, viz. in Warwickſhire, Worceſterſhire, Lancaſhire, and two other places, which he remembers not; that he had heard one Philips, Mr. Sheldon (a Papiſt), and two prieſts, father Jones and father Andrews, mentioned as being concerned in the plot. This information being ſent to the Lords, orders were iſſued for ſeizing the perſons of Jones and Andrews, and other ſeminary prieſts and Jeſuits; that Mr. Sheldon and his ſon ſhould be taken into ſafe cuſtody; and that the deputy-lieutenants of Worceſter, &c. have a charge to ſecure the ſaid counties. An ordinance paſſed both houſes for putting the kingdom immediately into a poſture of defence, and that the earl of Eſſex ſhould command the trained-bands on the South ſide, and the earl of Holland on the North ſide, the Trent. The Commons deſired the Lords to join with them in the nominating particular men of truſt to take care of the militia, and that the perſons of Recuſants ſhould be ſecured: It was ſome time before the Lords agreed to this article, and then with ſome reſtrictions, that it ſhould only take place on thoſe who were the moſt active and exceptionable of that body. The Commons paſſed an order, That all Papiſts ſhould leave the town, under pain of being proceeded againſt according to law: the ſame directions were ſent to the mayor of Berwick. Lord Strange, the lord-lieutenant of Lancaſhire, confirmed the ſuſpicions of the public by writing word, that there was great need to look after Lancaſhire. It is not to be ſuppoſed, but that the popular party in both houſes made a politic uſe of theſe rumours, and that their fears were not ſo ſtrong as they pretended; but

Ann. 1641. of the Tower; and one Lunsford, a ſoldier of fortune of a profligate character, put in his place *. The ſeals were taken from Sir Henry Vane †; and a proclamation was iſſued for obedience to the laws for eſtabliſhing the true religion in England ‡. Falkland, Culpepper, Hyde, Caple, and other diſtinguiſhed members of the lower houſe, who had hitherto concealed their change of ſentiments with great induſtry, made no ſcruple to avow their apoſtacy from the popular cauſe; and not only declaimed againſt the proceedings of its leaders, but ſided with the court in every queſtion.

but that the parliament was totally void of ſuſpicions, is, I think, as improbable. The votes which paſſed on theſe occaſions were pretty unanimous; and when the apprehenſions of men are alarmed with real dangers, every ſlight appearance has its effect. *Nalſon*, vol. II. p. 646, *& ſeq.* 654, 688.

* He was a perſon of great licence, and only known by ſome deſperate acts, for which he had formerly been impriſoned, and, having made his eſcape, fled the kingdom. One of theſe deſperate acts was an attempt to murder Sir Thomas Pelham. On being challenged for an affront he had given to one captain Buller, he refuſed to give him the ſatisfaction he demanded, but ſent him word he would cut his throat. *Clarendon's Hiſtory*, vol. I. p. 262. *Nalſon*, vol. II. p. 774.

† The King had before deprived him of the office of treaſurer of the houſhold, and conferred it on the lord Saville. Saville had been promiſed the preſidentſhip of the North, if that commiſſion had not been declared illegal. *Clarendon*, vol. I. p. 255.

‡ By the True Religion was meant all thoſe ceremonies which the Commons had by ordinance forbidden, and a conformity to the preſent form of divine worſhip, though it was repugnant to the conſciences of the greater number of the people, and had been acknowledged to need alteration, by a committee of biſhops and other divines, who had been appointed by the houſe of Lords to conſider on the matter. *Nalſon*, vol. II. p. 765.

queſtion. The houſe of Lords had lately been very refractory: they had given the Commons no ſatisfaction on the excluſion-bill, nor yet in their demand for ſequeſtering the ſixteen impeached biſhops; and had made ſome objections to the bill for preſſing ſoldiers for the Iriſh ſervice *. Ann. 1641.

THESE circumſtances irritated, but did not intimidate, the leaders of the oppoſition. They knew the ſtrength of their popularity, and were determined to make an appeal to the people. A remonſtrance was accordingly drawn up †: It contained the ſtate of the Parl. Hiſt. vol. X. p. 60, & ſeq.

* Differences had gone ſo far between the two houſes, that, in a conference on the fore-mentioned ſubjects, the Lords were given to underſtand, that if they would not conſent to the paſſing the bill the Commons had already ſent up, and ſome others neceſſary for the ſafety and preſervation of the kingdom, that the Commons (being the repreſentative body of the whole kingdom, and their lordſhips being but as particular perſons, and coming to parliament in a particular capacity) might join with thoſe Lords who were ſenſible of the public danger, and repreſent the ſame unto his majeſty.

† Clarendon ſays, that a committee had been appointed to prepare a general remonſtrance of the ſtate of the nation, and the particular grievances it had ſuſtained on the firſt meeting of the parliament; but it ſcarce met, and was never ſpoken of till the re-meeting of the parliament, after the plot in Scotland, when Mr. Strode moved, that that committee might be revived. Hacket, in his Life of Biſhop Williams, ſays, That the remonſtrance was moulded in Mr. Pym's houſe; that Williams (who had corrupted Pym's ſervant, who had been ſent to him concerning his cauſe in the Star-Chamber, which was intended to be exhibited amongſt other irregularities) had gotten certain intelligence of the deſign of the party, and had perſuaded the King not to go among the Scots, who he knew, he ſaid, would reveal to their friends in England all the King told them, but to ſtay at home, and endeavour to corrupt the members of the Engliſh parliament man by man. *Clar. Hiſt.* vol. I. p. 239. *Hacket's Life of Williams*, fol. ed. part II. p. 163.

Ann. 1641. kingdom, and the grievances it had ſuffered from the ill government of the King *, and from a malignant

* Among the long liſt of grievances, the Commons complain, that many families had been ruined by exceſſive fees for compoſition of wardſhips; that undue proceedings had been uſed in finding of offices to make the jury find for the King; that commiſſions had been granted for examining the exceſs of fees, and, when great exactions had been diſcovered, compoſitions had been made with delinquents, not only for the time paſt, but likewiſe for immunity and ſecurity for the time to come; that merchants had been prohibited to unlade their goods in ſuch parts as were for their own advantage, and forced to bring them to thoſe places which were moſt for the advantages of monopolizers and projectors; that large quantities of ground had been taken from the ſubject by colour of the ſtatute of improvement, and by abuſe of the commiſſion of ſewers; and that the converſion of arable into paſture, and the continuance of paſture, had, under the name of depopulation, drawn many millions out of the ſubjects' purſes. They complain, that, notwithſtanding the large ſums which had been drawn from the ſubjects by the illegal enhancement of the rates on tonnage and poundage, and the impoſition of ſhip-money, on pretence of guarding the coaſts, yet the merchants had been left ſo naked to the rapine of the Turkiſh pirates, that many great ſhips of value had been taken, and thouſands of his majeſty's ſubjects carried into miſerable ſlavery. Under the article in which the Commons mention the privilege of parliament broken by the impriſonment of its members, they aſſert, that one of them (meaning Sir John Elliot) died by the cruelty and harſhneſs of his confinement, which would admit of no relaxation, notwithſtanding the imminent danger of his life did ſufficiently appear by the declaration of his phyſicians. That judges had been put out of their places for refuſing to act againſt their oaths; that lawyers had been checked for being faithful to their clients; and that ſolicitors and attornies had been threatened, and ſome puniſhed, for following lawful ſuits. They complain, that the King had taken away the arms of the trained-bands of divers counties. They complain of the King's engroſſing all the gunpowder, keeping it in the Tower of London, and ſetting ſo high a price upon it that the poorer ſort were not able to buy it, nor could any of the ſubjects have it without licence; ſo that not only an unlawful advantage was made of the commodity, but ſeveral parts of the kingdom were left without a neceſſary defence. They complain of the general deſtruction of the King's timber ſold to Papiſts, eſpecially in the

and pernicious deſign of ſubverting the fundamental laws and principles of government, which had taken place from the beginning of his reign: it repreſented the advantage the people had received from the operations of this parliament: it complained of the bad counſels which the King ſtill followed: it complained of the cabals and wicked intrigues of Papiſts, and other malignants: it inſinuated, that theſe cabals and evil counſels had been productive of the Iriſh rebellion; and that England would have been the prologue to this tragedy, had not former deſigns been diſcovered and prevented: it complained, that the malignant party, which had been at firſt ſuppreſſed by the vigor and authority of this parliament, were now reviving, to the diſtraction of public affairs, and to the obſtruction of thoſe good deſigns which the Commons had in view for the advantage of the commonwealth. The Commons juſtify themſelves from thoſe aſperſions which the malignant party had flung on their pro- Ann. 1641.

the Foreſt of Dean, the beſt ſtore-houſe in the kingdom for the maintenance of its ſhipping. They complain of the taking away peoples' property, under colour of the King's title to land between high and low water mark. In that part of the remonſtrance which mentions the power and intrigues of the Papiſts, with the encouragement they had received from court, it is aſſerted, that commiſſions had been ſecretly given to men of that profeſſion for levying ſoldiers, to be employed according to private inſtructions. The Commons make no ſcruple to ſay in this remonſtrance, that the declarations which had been publiſhed to aſperſe their proceedings, on their diſſolution, were untrue and ſcandalous.

It is obſervable, that Ruſhworth has omitted the concluſion of this famous remonſtrance. *Vide a Remonſtrance of the State of the Kingdome, publiſhed by Authority. Printed, London, for Joſeph Hunſcutt*, 1641, 4to. p. 53.

Ann. 1641. ceedings; ſhew that there is no hopes of eſtabliſhing things on a right footing, whilſt biſhops and recuſant lords were ſo prevalent in the upper houſe; and conclude the remonſtrance with a detail of the courſes they thought neceſſary to be purſued for perfecting the work of reformation, and removing all impediment to the happineſs and peace of the kingdom.

AMONG theſe are ſome farther reſtraints upon Papiſts, "Seeing their religion, ſays the remonſtrance, has ſuch principles as do neceſſarily tend to the deſtruction and extirpation of all Proteſtants." That the King ſhould employ ſuch counſellors and miniſters as the parliament could confide in; that counſellors of ſtate ſhould be ſworn to obſerve the laws which concern the ſubject in his liberty; that good courſes be taken to perfect the union of the two kingdoms of England and Scotland, and to labour, by offices of friendſhip, to unite all the foreign churches to Great Britain, that, by a mutual concurrence to the ſame common end, the good of the whole body of the Proteſtant profeſſion be ſecured. In this remonſtrance the Commons declare, that their intention is not to ſet up an independancy in matters of religion: they profeſs, that they intend to reduce that pomp and power which the prelates had aſſumed, contrary to the word of God and the laws of the land; that they intend to unburthen conſciences of ſuperſtitious ceremonies, ſuppreſs innovations, and take away the monuments of idolatry: they own that the King is to be entruſted with the eccleſiaſtical law, as well as with the temporal, but then he is to regulate the diſcipline of the church

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of England by ſuch rule of order as is eſtabliſhed by parliament; to effect this eſtabliſhment, they profeſs, that they deſire the aſſiſtance of a general ſynod of the moſt pious and learned divines, both of this iſland and of foreign parts *. The court faction, and thoſe inclining to that ſcale, were at this time ſo ſtrong, even in the lower houſe, that it was not without great difficulty that this remonſtrance paſſed. The leaders of the popular intereſt looked on it as the touchſtone of the ſtrength of each party, and ſpared neither argument, entreaty, nor artful management, to procure ſucceſs. It was at length obtained, with great difficulty, the debate laſting from nine in the morning till twelve at night †, and the queſtion only carried by a majority of a hundred and fifty-nine, againſt a hundred and forty-eight ‡.

Ann. 1641.

Clarendon's Hiſt. vol. I. p. 245, & ſeq.

Journals of Commons.

* It is to be obſerved, that the Commons ſpeak very plainly their intention of erecting a new form of church diſcipline. It is not to be ſuppoſed, that they would have been ſo explicit on this important ſubject in an appeal to the people, if they had not been aſſured that an alteration in this point was agreeable to the general ſenſe of the nation. This fact alone, without the evidence of petitions preſented in the names of whole counties and of all ranks of men, is a plain contradiction to thoſe authors who have repreſented that this deſire of alteration in church matters was confined to a minor faction in the nation, ſupported by a majority in the lower houſe of parliament.

† Ruſhworth ſays, from three in the afternoon till three in the morning. Sir Philip Warwick, who was engaged in the debate, ſays that it was three o'clock in the morning when the remonſtrance paſſed. Whitlock differs from the three authorities, and ſays that the debate laſted from three o'clock in the afternoon till ten the next morning. *Whitlock*, p. 49. *Warwick's Memoirs*, 4to ed. p. 202.

‡ This remonſtrance was looked on by the oppoſers of the court to be abſolutely neceſſary to their farther curtailing the power of the crown;

Ann. 1641.

THE queſtion for the printing it, put by Mr. Hampden, was in all probability gained by the impetuoſity of Mr. Hyde, who, contrary to the cuſtoms and order of the houſe, deſired leave to proteſt againſt it. Mr. Hyde's example excited Jeffery Palmer and others to cry out in a tumultuous manner, "They did proteſt." This not only put a ſtop to all quiet and free debate, but might have occaſioned bloodſhed, had not the calm ſagacious Mr. Hampden put an end to the diſpute by propoſing to adjourn till two o'clock the next afternoon. On the re-meeting, Mr. Pym repreſented the diſorders of the preceding day, the houſe having been nearly engaged in blood, the conſequence, as he alleged, of Mr. Hyde's tranſgreſſion. The rhe-

Warwick's Memoirs, p. 202.

crown; and the farther curtailing the power of the crown they looked on as eſſential to the preſervation of thoſe privileges the public had already obtained. Indeed, this circumſtance was ſo obvious to common reaſon, that the party did not expect to meet with the difficulty they found in gaining their point. On the remonſtrance being called for late in the day, the lord Falkland, at this time a zealous courtier, moved, that it ſhould be entered on the next morning. Oliver Cromwell, as ſtaunch in court oppoſition, aſked, "Why he would have it put off? for it would be quickly determined." "Sure, anſwered Falkland, it will take up ſome debate." To this Cromwell replied, "That he believed it would be a ſorry one." The next day, when the debate was over, Cromwell told Falkland, "That he would take his word another time. If, added he, the remonſtrance had been rejected, I would immediately have ſold all I have; and I know there are many more honeſt men of the ſame reſolution." Sir Edward Deering, a man of a vain and variable diſpoſition, had been firſt flattered by the puritanical party in parliament into being an active agent againſt epiſcopacy, on ſome diſguſt, was now ſhrunk back into his original orthodoxy in civil and religious politics, and made two violent ſpeeches againſt the remonſtrance. *Clarendon's Hiſtory*, vol. I. p. 246, & *ſeq.* *Nalſon*, vol. II. p. 664, & *ſeq.*

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toric of a Pym was not neceſſary to convince the houſe Ann. 1641.
that much miſchief would reſult from ſuch a precedent, if permitted to go unpuniſhed. Mr. Palmer was committed to the Tower †; and the houſe being incenſed at the growing inſolence of the declared partizans of the court, the queſtion for printing the remonſtrance paſſed with little oppoſition. It was ſtrongly attacked by the King's party, as a ſignal that the Commons intended farther encroachments on royal prerogative, and that nothing leſs than a total abolition of monarchical power would ſatisfy that aſpiring body. Theſe inſinuations had little effect on the minds of the people, or were more than balanced by a review of the King's illegal violent adminiſtration. That apparent combination of prelatical, papiſtical, and monarchical intereſt, which had made ſuch bold attempts to pluck up by the root every principle of Liberty which yet remained in the conſtitution, had entered into ſo many conſpiracies againſt the authority of parliament *, and now dealt forth unparalleled deſtruction in Ireland, were, to the public, objects of a much more terrible nature than the apprehenſions of idle ſelfiſh courtiers, and bigoted formaliſts. They remembered with what perfidy, with what violation of every thing that was ſacred, the Petition of Right had been invaded, and were determined, even at the hazard of impairing a government from which them-

† Mr. Hyde was ſaved from this ſentence by the intereſt of the northern members, to whom he had ingratiated himſelf by his ſpeech againſt the court of York.

* At this time the guardian of popular privileges.

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Ann. 1641. ſelves and their anceſtors had received nothing but injuries, to ſecure their new-acquired privileges from future attacks of the crown.

Commons' petition, and remonſtrance of the ſtate of the kingdom. Ruſhworth, vol. IV. p. 437.

THE remonſtrance of the Commons was preſented to the King with a petition which openly inſinuated his concurrence in the Iriſh rebellion, complained of thoſe bad counſels which had occaſioned ſuch variety of miſchiefs, and demanded, as a ſecurity from farther evils, that biſhops, who had long acted as corrupt inſtruments of deſpotiſm and Popery, ſhould be deprived of their votes in parliament, the immoderate power they had uſurped over the clergy abridged, and that every office of command ſhould be alone truſted to perſons on whom the parliament could confide. The King's anſwer to this petition was in vague and general terms: After blaming the Commons for publiſhing it, contrary to his expreſs intimation, and cenſuring their declaration as an unparliamentary proceeding, he tells them, that he does not know what they mean by a wicked and malignant party prevalent in the government †; he had ever concurred with all the juſt deſires of his people to preſerve the peace and ſafety of the kingdom from the deſigns of the Popiſh party ‡. Though the remonſtrance did not accuſe the King of being a Papiſt in his heart, yet he

† Notwithſtanding the particular facts mentioned in the remonſtrance to prove this aſſertion.

‡ On this aſſertion of the King's Rapin juſtly obſerves, that it was true he had never rejected the petitions preſented to him on this occaſion; but then it was no leſs true, that his promiſes in this reſpect had never been executed. *Rapin*, vol. XI. p. 261.

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takes a great deal of pains to clear himſelf on this particular, and inſinuates, that, ſince he is convinced of the purity of the Proteſtant religion, it is not poſſible he ſhould encourage the Popiſh faith *. He aſſerts, that the biſhops' right of voting in parliament is grounded on the fundamental law of the kingdom; that the power of the clergy is well moderated by the taking away the High-commiſſion court; he is contented to call a national ſynod to examine ſuch ceremonies as give juſt offence †; but as for corruption in religion, which they had objected, he is perſuaded that there cannot be found on earth that church which profeſſed the true religion with more purity of doctrine than the church of England. After an high panegyric on the beauty of its diſcipline and doctrine, he declares, he will, to the end of his life, maintain it in its glory, not only againſt all invaſions of Popery, but alſo from the irreverence of thoſe many ſchiſmatics and ſeparatiſts wherewith the kingdom abounded. To that part of the Commons' petition concerning counſellors, the King aſſerts, that it is his undoubted prerogative to call thoſe to his ſecret counſels, to public employments, and his particular ſervices, as he ſhould think fit; and tells them, that he has never elected any to theſe offices but what had given good teſtimonies of their abilities and inte- Ann. 1641.

* Notwithſtanding, as Rapin obſerves, his conduct had ſhewn that this conſequence did not neceſſarily follow. *Rapin*, vol. XI. p. 267.

† The King knew that the Commons would never agree to a national ſynod on his terms; viz. the including in it the biſhops and their adherents.

Ann. 1641. grity *. The anſwer to the remonſtrance was as vague as this anſwer to the petition, as little calculated to give ſatisfaction to the Commons on the articles of their demands, and as totally deficient in point of juſtifying the King's conduct. It finiſhes with a promiſe to obſerve and maintain the eſtabliſhed laws; but in the ſame general terms which the King had before frequently uſed, and to which he had always given what ſenſe he thought proper †.

WHILST theſe diſputes ſubſiſted between the King and the houſe of Commons, the affairs of Ireland grew every day more deſperate. The ſuccour which the Scots had offered for the ſubduing this rebellion had not, on prudential reaſons, been immediately accepted by the Engliſh houſe of Commons: they had received good intelligence from their committee in that kingdom, that if they agreed to the providing for an effectual number of men to be raiſed in Scotland, the King would have inſiſted on the commanding them himſelf; a circumſtance of the moſt dangerous kind. This apprehenſion being removed on the return of the King, the Commons voted, that

* The King, in order to pay his wife a compliment, very improperly inſinuates the efficacy of her mediation in the exerciſe of this important part of the royal office.

† Mr. Hyde, afterwards earl of Clarendon, tells us, in the Hiſtory of his Life, "That he was the author of this anſwer to the remonſtrance of the ſtate of the kingdom; and that this performance, together with his conſtant oppoſition to all propoſals of altering or reforming the church-government, were the particulars which recommended him to the King's favour." *Clarendon's Life*, vol. I. p. 85, & *ſeq.*

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ten thouſand Scots ſhould be ſent into Ireland, on condition that they would condeſcend to be commanded by the government of England ſettled in Ireland. It was reſolved, that ten thouſand foot and two thouſand horſe ſhould be raiſed in England for the ſame ſervice. It was ſome time before this reſolution was carried into practice, the houſe of Lords having refuſed their aſſent to a preamble in the bill for preſſing of men for the particular ſervice of Ireland, declaratory of the ſubjects' privileges; viz. "That the King had in no caſe, excepting that of invaſion from a foreign power, authority to preſs men into his ſervice." This aſſertion aboliſhed that noxious prerogative which the crown had aſſumed of obliging men to perform any taſk of pretended public ſervice which ſhould be impoſed on them; a prerogative which, in this reign, had been uſed as a puniſhment to refractory members of parliament, and to all ranks of men who had refuſed to comply with the King's illegal commands, to the great detriment of their fortune and health. Notwithſtanding that ſuch a limitation of regal authority was neceſſary to the ſecurity and free enjoyment of perſon, time, and property, yet the Peers, who had ſhewn lately ſome ſymptoms of diſtruſt and jealouſy, were very obſtinate on this article; beſides the whole bench of biſhops, who were always a dead weight on the ſide of prerogative, the greater number of temporal lords began to apprehend that that noble ſpirit of Liberty which flamed in the lower houſe, and from thence diffuſed itſelf through the whole nation, might in its conſequences affect their particular privileges; and, as the nature, uſe, and Ann. 1641.

Ann. 1641. operations of government began to be pretty generally underſtood, that the Commons would, in their reſearches on this ſubject, diſcover this important truth, "That invidious diſtinctions and privileges are ſo far from being inſtrumental to the authority of laws, or the order, regularity, and decency of ſociety, that they muſt neceſſarily act contrary to theſe purpoſes *." To the baſeneſs of a ſelfiſh conſideration did the nobility ſacrifice the principles of reaſon, juſtice, and honour; and all, except a few, who, ſailing with the full tide of popular favour, were tranſported beyond the current of their natural affection, inclined to take ſhelter under the tyranny of the crown, from the dreaded invaſion of democracy. Nor did the bleeding perſecuted ſtate of the Iriſh Proteſtants, nor the inſolent pretenſions of the Papiſts, who demanded a full toleration of their religion in Ireland †, prevail with them to paſs the preſſing acts for raiſing land and ſea forces. In vain did the Commons proteſt, that

* The juſt Freedoms of ſociety depend not ſo much on the lenity of the laws, as the entire and equal ſubjection to the authority of the law; a thing much impeded by every political diſtinction and privilege which is partial: as the Freedom of ſociety is materially affected by it, ſo is the regularity, order, and decency of it. The ſpirit of licentiouſneſs muſt ever prevail in thoſe communities where part of its members can, by their authority, protect others in the commiſſion of crimes, or evade, in their own perſons, the cenſure of the law.

† On the parliament being informed, that the Iriſh rebels had preſented a remonſtrance for peace, the terms of which were, to have the free exerciſe of their religion, and a repeal of all laws to the contrary, both houſes reſolved, that they never would give conſent to ſuch a toleration of the Popiſh religion in Ireland, or any other his majeſty's dominions. *Parl. Hiſt.* vol. X. p. 96.

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the loſs of Ireland muſt be imputed to the Lords; the Lords continued inflexible: and the Commons, finding that no arguments could prevail, ordered their committee on the Iriſh affairs to meet no more *. This diſagreement occaſioned a fatal pauſe in the military preparations. It was at length compoſed by the interpoſition of the King; who, apprehending that the Lords would give way to the extreme urgency of the occaſion, came to the houſe, and taking notice of the bill then depending, offered to paſs it with a *ſalvo jure* for the King and people; at the ſame time teſtifying his diſpleaſure at thoſe who began a diſpute which, he ſaid, concerned his ancient and undoubted prerogative. This unconſtitutional meaſure acted like magic on the counſels of the upper houſe: the popular lords did not fail to enlarge themſelves on the Ann. 1641.

* The Lords were ſo deſirous to get the Commons to give up the clauſe they excepted againſt in the preſſing acts, that though the diſtreſſes of the Iriſh Proteſtants called for immediate aſſiſtance, they would not, for ſome time, give their aſſent that ten thouſand Scots ſhould be ſent into that country, unleſs the Commons would agree to the ſending over Engliſh forces at the ſame time; though the council of Ireland had only deſired the aſſiſtance of ten thouſand Scots and one hundred thouſand pounds. Thus they hoped that the deſire of relieving the extreme miſeries of Ireland would compel the Commons to recede from a point on which the Liberties of the ſubject, throughout the whole Britiſh empire, depended. Two petitions were preſented to the Lords on this ſubject: One from ſeveral Iriſhmen of property then reſiding at London, ſetting forth the deſtruction which was likely to fall on the Iriſh Proteſtants, unleſs relieved; and that ten thouſand men out of Scotland, whoſe aſſiſtance was within three hours, would afford a powerful aid: another from ſeveral merchants who had large property in Ireland, complaining of the unſeaſonable delay which had been given to the affairs of that kingdom. *Nalſon*, vol. II. p. 769, *& ſeq.* 776, *& ſeq.* *Parl. Hiſt.* vol. X. p. 41, 119.

ſubject;

Ann. 1641. ſubject; the aſſembly, prejudiced as it was, took fire at ſo manifeſt a violation of their rights, and voted, that their privileges were broken by the King's taking notice of the bill whilſt in agitation, by his propounding a proviſional clauſe before it was preſented to him, and by his expreſſing his diſpleaſure againſt perſons for matters moved in parliament. The ſame votes paſſing with the Commons, both houſes united in a declaration vindicatory of their privileges; at the ſame time petitioning the King, that he would declare the authors of the mis-information and evil counſel, that they might receive condign puniſhment. The King excuſed himſelf from having been guilty of any deſigned breach of privilege, but utterly refuſed the naming any perſon who had given him information or counſel on the ſubject *.

* Clarendon tells us, that St. John the ſolicitor-general, to betray the King into committing an irregularity, which he knew would offend the Lords, and effect a reconciliation between the two houſes, adviſed him to take this ſtep. Clarendon's aſſertions are, for the moſt part, made with much more confidence than judgment. To blacken the men he hates, he debaſes the character of the King, the profeſſed hero of his tale, and makes him ever the dupe to the pooreſt laid ſchemes of his enemies. Had this been the caſe, it is not likely that Charles would have ſo ſtrenuouſly denied the naming the perſon from whom he received ſuch counſel: he would have been glad of ſo favourable an opportunity to have leſſened the credit of St. John with the popular party; or at leaſt to have ſhewn the parliament, that, in the matter they ſo much cavilled at, he was guided by the advice of the man in whoſe knowledge of the conſtitution, and in whoſe integrity, they had an high opinion: thus the tables might have been turned, and St. John and his party made the dupes inſtead of Charles. If Charles himſelf had not had ſenſe enough to make the beſt of ſo favourable an opportunity, it is odd that Clarendon, who was at this time one of his principal adviſers, and who pretends to know the whole intrigue, ſhould not

NOTWITHSTANDING the harmony which ſeemed to ſubſiſt between the two houſes, the public affairs continued yet in an unſettled turbulent ſtate. The preſſing act had not yet paſſed the upper houſe; the important buſineſs of Ireland conſequently ſtood ſtill. Nothing was determined in the grand point of eccleſiaſtical policy; biſhops, the ſuppoſed obſtacles to both civil and religious reformation, yet maintained their ſeats in parliament. The public were continually harraſſed and alarmed with the fears of Popiſh plots and conſpiracies. Lunsford, that profligate ſoldier of fortune, was yet, in ſpite of the endeavours of the lower houſe, continued in the command of the Tower; and, upon ſome examinations which paſſed at this time, the Commons voted, "That there was ſufficient evidence to believe there had been a ſecond attempt to bring up the army againſt the parliament, and an intention to make the Scotch army ſtand neuter." On this examination, Daniel O'Neal being voted guilty of high-treaſon *, was impeached by the Commons, and committed to priſon by the Lords. Sir John Berkeley, Sir Hugh Pollard, Aſhburnham, and Wilmot, were voted guilty of miſpriſion of treaſon †. A faſt was

Ann. 1641.

Journals of Commons, vol. I. p. 318, 333, 337.

not have given him proper counſel. It is to be remarked, that Clarendon, with as improbable a foundation, accuſes the lord Say of the ſame act of treachery. *Clarendon's Hiſt.* vol. I. p. 258.

* On the examination of Daniel O'Neal before the Lords, he pleaded the act of oblivion. His plea was not allowed; and a reſolution paſſed on this occaſion, "That it belonged to the houſe of Peers to interpret acts of parliament, in time of parliament, in any cauſe which ſhould be brought before them." *Nalſon*, vol. II. p. 625.

† It was reſolved by the Commons, that Mr. Jermyn, Mr. Piercy, and Sir John Suckling, ſhould be impeached of high-treaſon. *Id.* p. 754.

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Ann. 1641. at this time reſolved on*. It was ordered, that a declaration ſhould be drawn for clearing his majeſty's honour from falſe reports caſt upon him by the rebels in Ireland; and a proviſion to be made that there may be no concluſion of that war to the prejudice of this kingdom †. Freſh addreſſes were made to the King for putting the laws againſt Papiſts in execution; conferences were held on the ſubject of ſecuring their perſons ‡; and it was propoſed by the Commons, that a ſtop ſhould be put to the toleration of ſo dangerous a ſuperſtition. In the midſt of that juſt indignation which at this time was excited againſt theſe ſectaries, the King ſolicited the conſent of parliament in reprieving ſeven prieſts, who had been convicted and condemned by due courſe of law. Both houſes being exaſperated with a letter they had juſt received from Ireland, containing a particular account

* Marſhal and Calamy, two favourite miniſters, having, by the deſire of the Commons, preached on this occaſion, they were each of them preſented with a piece of plate worth twenty pounds. Days were appointed for gathering collections towards the relief of thoſe Engliſh who had been ſtripped and ſpoiled by the Iriſh rebels: to theſe contributions Sir John Packer gave one hundred pounds. Some time after this it was ordained, by the deſire of both houſes, that a monthly faſt ſhould be obſerved during the troubles of Ireland. *Nalſon*, vol. II. p. 660, 775, 795.

† The Commons at the ſame time propoſed to the Lords, to join in a petition to the queen, That, for the preventing all ſcandalous reports and apprehenſions, ſhe would publiſh a declaration, that ſhe did abhor and deteſt the perfidious and traitorous proceedings of the rebels in Ireland. *Nalſon*, vol. II. p. 737.

‡ The Commons were deſirous of getting rid of the votes of the Popiſh lords; but the Peers were too tenacious of their privileges to indulge them in this point.

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of the cruelties which had been committed in that kingdom, and were ſtill carrying on, by the authority and influence of prieſts, joined in a petition to the King, that he would ſuffer the criminals to be executed *: Ann. 1641.

* The parliament, endeavoring to give life to a law which ſeems to have been enacted for the prevention of the ſpreading a religion fatal in its nature to civil community, the juſt laws of government, and the rational principles of ſocial compact, has been very ſeverely cenſured by ſeveral writers, who have condemned the penal laws for keeping theſe pernicious ſectaries from invading the civil and religious rights of their fellow citizens; and have thrown ſevere reflections on the parliaments of James and Charles, for rigidly inſiſting on their execution. To vindicate theſe magnanimous aſſemblies, who ſo nobly aſſerted and eſtabliſhed the rights of Engliſhmen, from the accuſation of cruelty and perſecution, it will be neceſſary to notice, that the reformed church, from its earlieſt infancy, ſuffered a ſeries of unmitigated perſecutions from the church of Rome; who, unable to convince by argument, had recourſe to the forcible perſuaſives of ſecular puniſhments. In England, as in many other countries, truth prevailing over the terrors of the ſtake and gibbet, made a ſlow, yet gradual, progreſs; and, notwithſtanding the perſecution of Wickliff, and the cruel execution of his followers, in the reign of Henry V. Henry VIII. when the intereſt of his pleaſures made it convenient for him to diſclaim the papal power, found the ſect of diſſenters numerous enough to enable him to ſettle the church of England on an independant footing. Proteſtantiſm, thus countenanced by authority, made great advances, and, in the reign of that ſenſible, learned, and pious young monarch Edward VI. the religion of the country was eſtabliſhed on the principles of the Reformation. The Proteſtants, not ſufficiently attentive to their ſafety, on the death of this prince ſuffered the government to devolve into the hands of his ſiſter Mary, a furious zealot for the Popiſh ſuperſtition: Bloody were the annals of this reign; the eccleſiaſtical authority of the pope was reſtored, the Catholics were re-inſtated in the adminiſtration, and the ſhort-lived triumph of the Proteſtants was ſucceeded by a ſevere and mercileſs perſecution. On the death of this princeſs, power again changed hands: the Proteſtants were inveſted with authority, under the influence of a Proteſtant ſucceſſor. In this ſunſhine of their fortune, inſtead of retaliating the injuries they had received, they contented

Ann. 1642. with this requeſt the King did not think fit to com-

themſelves with enacting ſome uſeful laws for preventing the growth of a religion from whoſe uncharitable tenets they had experienced ſuch cruelties. The laws enacted in queen Elizabeth's reign againſt recuſants were of this kind: The law againſt Jeſuits and ſeminary prieſts, and againſt the bringing in or putting in execution of bulls, writings, or inſtruments, or other ſuperſtitious things, from the ſee of Rome; and the law for reſtraining Popiſh recuſants to ſome certain places of abode, were found neceſſary to prevent evils ariſing from the intriguing dangerous ſpirit of the Papiſts, which continually broke out in plots and conſpiracies. The miſchief intended to be perpetrated on both houſes of parliament, in the third year of king James, gave birth to two other laws of the ſame ſort; viz. The act for the better diſcovery and ſuppreſſing of Popiſh recuſants; and the act for preventing dangers that may grow by Popiſh recuſants. Many of the penal ſtatutes, which were merely deſigned to prevent the venom of Popery, by the little arts of miniſters acting on the ignorance of the times, were drawn up in terms ſo general and comprehenſive, that they included all kinds of diſſenters; and added a large ſhare of arbitrary power to the crown.—The tenets of the Romiſh religion, being ſuited to the purpoſes of tyranny, have ever made this ſect the favorites of monarchs: had they not declared a perſonal enmity to Elizabeth, they would undoubtedly have found in this arbitrary princeſs a protectreſs: they were ſo avowedly the favorites of James and Charles, that, while all thoſe who did not conform to the religion which was countenanced by authority were perſecuted with rigor, the Papiſts were not only permitted an indulgence which in a manner amounted to a toleration, but many of them were entruſted with offices, whilſt the remembrance of their cruel adminiſtration under the government of Mary was yet freſh in the minds of the Proteſtants. The marriage of king Charles with a Popiſh princeſs confirmed the fears of the latter and the hopes of the former; and from this hour the King's pretenſions to an arbitrary temporal dominion, and the pope's to an eccleſiaſtical one, ſeem to have gone hand in hand: nor had the Papiſts the moderation or the prudence to diſguiſe the connection they had with the King; they in a manner openly avowed the illegal favors they received, and their deſigns to aſſiſt the government to render itſelf abſolute. Under theſe provocations and dangerous apprehenſions, the parliament proceeded with the utmoſt

juſtice

ply; but offered to baniſh them, if the parliament would give their conſent *. Ann. 1641.

Every thing which could excite paſſion, and fix attention, actually ſubſiſted at this critical juncture. The fears of men were alarmed, their expectations

juſtice and moderation, contenting themſelves with requeſting the King, in general terms, to put thoſe penal laws, enacted for the preſervation of the Proteſtant religion, into execution. Even when they were in the meridian of their power, they gave way to the reprieve of Goodman, the prieſt; nor, when the bloody inſurrection in Ireland had produced another inſtance to ſhew that the toleration of that religion and the ſafety of civil ſociety were incompatible, did they ſo ſtrenuouſly inſiſt on the execution of the law againſt Jeſuits and ſeminary prieſts as to bring any one of this order to puniſhment. Theſe prieſts, who occaſioned the preſent diſpute between the King and the parliament, were not executed, as ſome authors have alleged, but baniſhed. *Parl. Hiſt.* vol. X. p. 98.

* Some time after, the King communicated a letter to the parliament, which ſecretary Nicholas had received from Venice, wherein it was ſaid, that the pope was much incenſed againſt the parliament's proceedings againſt Romiſh prieſts and recuſants; and that he would ſend an army into Ireland, if the parliament did not diſcharge thoſe ſeven prieſts whom the King had reprieved. This ridiculous menace occaſioned the parliament again to petition the King to put the ſentence againſt theſe men in execution. At the ſame time the Commons voted, that the Capuchin friars at Somerſet-houſe ſhould be immediately ſeized and brought before them. The French ambaſſador, under whoſe immediate care they at this time were, excuſed himſelf from obeying the order, on pretence, that, as the Capuchins were ſent into England on articles of treaty between the two crowns, he could not do it without the permiſſion of the King his maſter, or the expreſs command of the King and queen of England; but offered to keep them ſafe priſoners at Somerſet-houſe, and that no maſs ſhould be ſaid in the chapel. The houſe reſted ſatisfied with this excuſe, and accepted of the ambaſſador's offer. *Rapin*, vol. XI. p. 27. *Journals of the Commons*, vol. II. p. 464.

Ann. 1641. raiſed, and the pulſe of the public beat high for a full enjoyment of Liberty: the mechanic neglected his art, the apprentice his employment; ſhops were left empty; and even the women, laying aſide their domeſtic cares, engaged with the men in political intrigues: a rage for reformation ſeized the whole community; the generous ardor burnt in every honeſt breaſt; and all but the ſenſual, the ſuperſtitious, the dependant, and thoſe whoſe intereſt was immediately concerned with the errors of the preſent eſtabliſhment, lent their aſſiſtance toward the throwing down the fabricks, and plucking up the foundations, of tyranny. Such being the diſpoſition of the public, the popular leaders had recourſe to the ſpirit without doors, to get the better of the oppoſition they found within. Several common-council-men, and others of good repute in the city, in a petition which ſet forth their fears on the occaſion of colonel Lunsford's having the command of the Tower, entreated the Commons to take ſuch means as ſhould ſecure the city and kingdom againſt farther miſchiefs *. The Commons conferred with the Lords; the Lords refuſing to join in an addreſs for the removal of Lunsford, the Commons, after voting that they held colonel Lunsford unfit to be lieutenant of the Tower of London, as he was a perſon in whom the Commons of England could not confide, ſet forth a declaration, proteſting their innocence of the miſchiefs likely to en-

Nalſon, vol. II. p. 780.

Journals of Commons, vol. II. p. 356.

* Vicars, in his Parliamentary Chronicle, ſays, that men of the beſt note and quality in the city, both for piety and ability, went with this petition to the parliament-houſe, with an equipage of fifty or ſixty coaches. *Parl. Chron.*

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sue *; and asserting, that the malignant party were not only encouraged by the success of the rebels in Ireland, but likewise by the interruptions which the public business received in the house of Peers, occasioned by the number of bishops and Papists, notoriously disaffected to the public good, who had voices in that assembly. This declaration being read in the upper house, it was moved and carried, that the debates on it should be adjourned. On this the popular lords, to the number of twenty-one, entered their protest; and the Commons ordered the earl of Newport, the then supposed constable of the Tower, to reside in the place, and take on himself its custody and guard. The earl of Newport sent them word, that the King had discharged him from that trust †. This made the public discontent swell so high, that the lord-mayor informed the King, that there would be a Ann. 1641.

* The Commons alleged, they had already found ill consequences from Lunsford's being lieutenant of the Tower: Merchants had already withdrawn their bullion from the Mint; and strangers, whose ships had brought in great store, did forbear to bring it there. *Nalson*, vol. II. p. 778.

† The following was the pretended reason for the earl's discharge: That whilst the King was in Scotland, at a meeting at the earl of Holland's house at Kensington, where there were many members of both houses present, on a discourse of plots, the earl should say, "If there be such plots, we have his wife and children here." This Newport strongly denied; on which the King replied, "I am sorry for your lordship's memory." This being told the Peers, they desired a conference with the Commons on the subject; and both houses concurred in petitioning the King to declare who was the reporter of the scandal. The King denied he had expressed any such belief; assured them he gave no credit to the rumour; and absolutely refused to name the informer. *Rushworth*, vol. IV. p. 464, *& seq.*

general

Ann. 1641. general riſing in the city, to attempt the Tower. On this the keys were taken from Lunsford, and given to Sir John Byron, a man almoſt as diſagreeable to the public as his predeceſſor.

Nalſon, vol. II. p. 644. When the Commons deputed their committee to treat with the city concerning a loan of money for the Iriſh wars, they were told, with a juſt freedom, that the privilege of parliament was a great hindrance to their trade. The citizens farther delivered their opinion on the following articles: That Popiſh lords, and other ſuſpected perſons of quality, ought to be ſecured; and that the biſhops maintaining their ſeats in parliament was an impediment to the progreſs of thoſe good laws and motions which had been ſent up by the Commons to the Peers. This declaration of the ſenſe of the city was farther enforced by a petition, ſubſcribed by aldermen, common-council-men, ſubſidy-men, and other inhabitants of the city of London: it was directed to the houſe of Commons; beginning with an acknowledgment of their laborious endeavours for a reformation, which had removed ſeveral preſſures and grievances, notwithſtanding the impediments that had ariſen from Popiſh lords, and biſhops, voting in the houſe of Peers: it complained of the deſperate plots of Papiſts and their adherents, now actually operating in the kingdom of Ireland, and threatening England in a manner that filled every mind with apprehenſions; ſo that the trade of the kingdom was ſtopped, no man following his occupation chearfully, whilſt the lives of himſelf and family, and the public ſafety, was in danger: it complained

plained of the bold inſolent carriage, and threatening ſpeeches flung out by the Papiſts in the realm; their endeavour to raiſe a diſreſpect in the hearts of the people againſt the parliament; their ſeditiouſly miſconſtruing the citizens' dutiful and loyal entertainment of his majeſty to be a deſerting that honourable aſſembly, the leaſt thought of which they did utterly deteſt and abhor. To prevent the deſtructive plots of the Papiſts and their adherents, the petitioners prayed, that conſiderable forces might be ſent into Ireland; this kingdom put into a poſture of defence; that the Commons would be a means to obtain the concurrence of the King and Lords, in the puniſhment of delinquents, the redreſſing the grievances of church and commonwealth; and that they would take into particular conſideration the abuſes crept into the ancient government of the city *. To the better effecting of this, that the Popiſh lords, and biſhops, ſhould be removed out of the houſe of Peers, as had been deſired by the repreſentative body of the city, when fifty thouſand pounds were freely lent to raiſe forces for Ireland.

Ann. 1641. Nalſon, vol. II. p. 733, & ſeq.

THIS petition was in its nature too pleaſing to the prevailing party in the houſe of Commons not to meet with encouragement. An aſſembly having met together in Southwark, on a buſineſs of the ſame kind, they were diſturbed by a meddling officious conſtable

Clarendon's Hiſt. vol. II. p. 265.

* This probably relates to that diſpute between the mayor and commonalty of the city which had been referred to parliament, and yet remained unſettled.

of

Ann. 1641. of the high-church faction; a riot enſued, but, on a writ being directed to the ſheriff to proceed againſt the parties, the leading men in the houſe of Commons declared, that the matter affected their privileges, the conſtable having interrupted a ſet of well-affected men, who had met together to addreſs that aſſembly. On this an order paſſed, that the under-ſheriff ſhould be enjoined not to ſuffer proceedings to be made upon any inquiſition that might concern perſons who were met together to ſubſcribe a petition to be preferred to that houſe.

WHILST the partizans of Liberty were thus uniting their forces, and making vigorous efforts to remove the obſtacles which impeded their deſigns, Charles, who had been hitherto totally unable to divert the popular current which had run ſo ſtrongly for his enemies, was making impotent attempts to obſtruct its courſe. He not only gave private orders to Lunsford and others to withſtand the mob in their tumultuous clamors againſt biſhops and Popiſh lords *, but, affecting fears for his own perſon, retained a guard of diſbanded officers, who waited to be employed in the Iriſh war, and were ready to engage in

Ludlow, p. 9.

* By the influence of Gurnay, the lord-mayor, the common-council had paſſed an act for addreſſing the King to keep his Chriſtmas at Whitehall: the King promiſed compliance, provided the city magiſtrates would take a courſe for preventing tumults; and knighted ſeven aldermen, who brought the addreſs: he afterwards ſent a meſſage to a court of common-council, on the ſubject of tumults. It appears by the debates of this court, that the trained-bands were very much diſaffected to the royal cauſe. *Ruſhworth*, vol. IV. p. 470.

any

any miſchievous deſign which ſhould be propoſed, Ann. 1641.
Theſe deſperadoes were entertained and fed with great pomp at Whitehall. The gentlemen of the inns of court were likewiſe tampered with, and ſome of them offered their aſſiſtance to defend the perſons of the King and queen: of this idle crew there were that went ſo far as to ſay, "Let us not ſuffer theſe fellows at Weſtminſter to domineer thus, but bring up our tenants to pull them out." The mob was not only Tumults.
inſulted with contemptuous words, ſuch as "round-headed dogs *," but ſwords were drawn, and many of them ſlaſhed, and otherwiſe wounded †. The gentleman-uſher of the houſe of Lords, having, by the command of that aſſembly, ordered the concourſe of

* Dugdale ſays, that the German reformers cut their hair round, in contradiction to the conformiſts, who were vain and coſtly in their attire, and wore a great quantity of hair: the reformers in England took example from their German brethren. The queen, who had a great deal of levity in her conduct and manner, obſerving Samuel Barnardiſton (one of the ringleaders of the non-conforming ſect) marching at the head of a body of apprentices, cried out, "See what a handſome young round-head is there;" the appellation was affected by her whole party, and was publicly uſed by Hyde. The King's guard of bravoes were in return called Cavaliers. Theſe terms were afterwards uſed to diſtinguiſh the two parties. *Dugdale*, p. 8. *Rapin*, vol. XI. p. 294. *Clarendon's Hiſt.* vol. I. p. 267.

† The news that Lunsford and others of the gang had drawn their ſwords upon the people being carried into the city, great multitudes of that body ran down to Weſtminſter, with ſtaves and other weapons. This occaſioning a more than ordinary uproar, the aſſiduous lord-mayor ordered the gates to be ſhut, and put the trained-bands in arms; whilſt the King, on his part, commanded the militia of London and Weſtminſter to aſſemble by turns, and guard his perſon. *Rapin*, vol. XI. p. 294.

Ann. 1641. people to diſperſe, was told, that they were willing to go; but that colonel Lunsford and others were laying in wait for them in Weſtminſter-hall, and that many of their fellows, in their way home, had been hurt by his ſoldiers. The Lords appointed a committee to examine what warrant had been given to the ſoldiers to come down to the parliament-houſe? what notice had been given to any others to come down to Weſtminſter in multitudes? and who gave the occaſion that ſwords were drawn and blows given in Weſtminſter-hall *? On an inquiſition which the houſe of

* Some time before this, a company of watchmen, with halberts, were ſet as a guard on both houſes of parliament. The Lords queſtioned them why they came there? and ſent for the high-conſtable: he alleged, that he received a warrant from the juſtices of peace, ſet forth by the King's writ, directed to them: the Commons ſummoned theſe juſtices before them: the juſtices pleaded, that the writ was granted forth by the direction of the houſe of Peers. It was found they had exceeded their authority in ſending conſtables when there was no tumult, and had been guilty of a breach of privilege in ordering down armed men to the parliament, without acquainting them with it. One of the juſtices, named Long, who had ſigned the warrant for the guards, was ſent to the Tower.

To ſuppreſs riots the Lords had ordered, that the lord-keeper ſhould iſſue out writs according to the ſtatute of Henry V. cap. 8. This ſtatute expoſes thoſe who are found in riots to be tried by the King and council, and puniſhed according to the arbitrary deciſions of that tribunal. It was therefore laudable in the houſe of Commons to exert their preſent authority to reſcue the ſubject from an unconſtitutional law.—They were guilty of an act of power, on another occaſion, that was very unjuſtifiable. Sir Walter Earl had given an information to the houſe of ſome dangerous words ſpoken by ſeveral perſons, but did not name the offenders: the houſe ordered the ſpeaker to iſſue out a warrant to apprehend ſuch perſons as Sir Walter Earl ſhould nominate to him. This was an act of power unneceſſarily tyrannical and unconſtitu-

Commons made on this buſineſs, they were informed by one of their own members, that, on his queſtioning a guard of ſoldiers, which he found in the way, he was told that they were ſet there by the command of the lord-archbiſhop of York. Mr. Hollis was ſent up to the Lords to complain of the outrages which had been committed on the perſons of the King's ſubjects; and, that this might be a free parliament, to deſire them, according to their own propoſition *, to join with the houſe of Commons in a petition to his majeſty, that the parliament might have a guard, and ſuch a one as ſhould be approved by the two houſes, to be commanded by the earl of Eſſex. The Lords not then thinking fit to agree with the repeated re- Ann. 1641. Nalſon, vol. II. p. 792, & ſeq.

ſtitutional; ſince though the conſtitution does not limit the houſe of Commons in means to defend the liberties of the ſubject, yet it does not permit them to infringe thoſe liberties in the ſmalleſt degree. *Nalſon*, vol. II. p. 727, 732, & p. 729. *Parl. Hiſt.* vol. X. p. 98. *Statutes at Large*, vol. I. p. 215.

* On the occaſion of the late fray, the Lords had deſired the Commons to join with them in a declaration, to be publiſhed, teſtifying their diſlike of the aſſembling of the people in ſuch a diſordered manner about the two houſes of parliament; and that they would likewiſe petition the King for a guard. The Commons returned anſwer, that they would agree with their lordſhips in all good and lawful means for the ſafety of the parliament; but for printing a particular declaration, they had entered into a debate on it, and found it to be a thing of great conſideration, that would require time. Clarendon ſays, that on the receipt of the Lords' meſſage, ſome of the popular members urged, "That they muſt not diſcourage their friends; this being a time they muſt make uſe of all friends." Pym ſaid, "God forbid the houſe of Commons ſhould proceed in any way to diſhearten people to obtain their juſt deſires." *Parl. Hiſt.* vol. X. p. 127, 135. *Clarendon's Hiſt.* vol. I. p. 265.

Ann. 1641. Nalſon, vol. II. p. 800.

queſts of the Commons *, they directed, that the juſtices of the peace of the city of Weſtminſter ſhould take care that good watches, ſufficiently armed, ſhould be ſet in ſuch convenient places as ſhould be neceſſary for their ſafeguard; and that halberts ſhould be provided for the ſervice of the houſe. They farther declared, that it ſhould be lawful for every member to bring his own ſervant to attend at the door, armed with ſuch weapons as they ſhould think fit. The King was addreſſed on this ſubject in the name of the lower houſe: This addreſs ſet forth, that there had been ſeveral attempts heretofore to bring deſtruction on their whole body at once; that a malignant party, bitterly envenomed againſt them, was daily gathering ſtrength and confidence, and was now come to ſuch a height as to give boldneſs to ſome not only to imbrue their hands in the blood of the ſubjects at the very doors of the parliament, and at the King's own gates, but had given out inſolent and menacing ſpeeches againſt the parliament itſelf; ſo that they conceived they could not, with the ſafety of their perſons, on which the peace of the whole kingdom depended, ſit any longer unarmed and without a

Journals of Commons, vol. II. p. 365.

* The preſent obſtinacy of the Lords in this matter is very ſurprizing: They had, on the King's return from Scotland, ſo ſtrongly concurred with the Commons in their deſire for a guard under the command of the earl of Eſſex, that they deputed ſome of their own body to make this requeſt; and now, when themſelves not only acknowledged that there was a great occaſion for the parliament to have a guard, but made the firſt motion for it, they would not concur with the Commons on the means to have one of their own chuſing, but preſſed them to accept of one that ſhould be appointed by the King.

guard.

guard *. The King's party having been the aggreſſors in the fore-mentioned fray, the Commons, not without reaſon, regarded it as a levying war on his ſubjects; and it afforded them a juſt pretence for protecting the mob †. The King ſet forth a proclamation againſt tumultuous meetings; but ſome citizens having been committed on the occaſion of riots, they were, by the expreſs orders of the lower houſe, ſet at liberty ‡; and David Hyde, a reformed officer, who called out, "he would cut the throats of thoſe round-headed dogs that bawled againſt biſhops," was ſecured by the citizens, and brought before the houſe of Commons, who committed him to priſon, and caſhiered him from all employment in Ireland. Ann. 1641.

THE Lords, alarmed at the pretenſions, and dreading the vigor, of the Commons, kept firm to their reſolution of defending the biſhops in their privilege of voting in parliament, when an unexpected acci-

* The Commons had, previouſly to the reſolutions they had paſſed for their defence, ſent a verbal meſſage to the King for a guard: he directed that the meſſage might be given him in writing; and they neglected to return an anſwer. *Rapin*, vol. XI. p. 303.

† Theſe mobs are not to be conſidered as compoſed only of the loweſt order of citizens. In a fray occaſioned by the archbiſhop of York's detaining ſome rioters who had got into the Abbey, ſeveral citizens were hurt by ſtones thrown from the leads; and one Sir Richard Wiſeman died of the wounds he received. *Ruſhworth*, vol. IV. p. 465.

‡ They were committed by the ſheriffs of London and Middleſex, on the ſtatute of the thirteenth of Henry IV. The Lords had given expreſs orders to the ſheriffs to put this ſtatute in execution. *Nalſon*, vol. II. p. 792.

dent

Ann. 1641. dent ſubdued that obſtinacy which had withſtood the general voice of the people, and the repeated endeavours of the Commons. Williams, the preſent archbiſhop of York, whoſe ſervile nature admitted of a great degree of inſolence of temper *, in his way to the houſe of Lords fell in with a body of apprentices, who had juſt delivered in a petition for the laws to be put in execution againſt prieſts and Jeſuits; that the perſons of Papiſts, and other dangerous perſons, might be ſecured; and for the removal of prelates and Popiſh lords †. He obſerving one particular youth who was louder than the reſt in his clamors againſt biſhops, had the imprudence to lay hands on him: This produced a conteſt; the youth was reſcued by his fellows, and the biſhop's robes were torn in the

Ruſhworth, vol. IV. p. 463.

* Clarendon ſays of this prelate, that, after the King had thought it neceſſary to make him archbiſhop of York, he carried himſelf ſo inſolently in the houſe of Lords, and out of the houſe to all perſons, that he became more univerſally odious than Laud had been; and that the hatred he had incurred was an encouragement to the Commons to ſend up a ſecond bill, with ſome little alteration, to remove biſhops. Williams was a man of cunning but not judgment, of an abject nature, without generoſity or honour; whilſt he was in diſgrace with the King, he made low court to the party in oppoſition, and performed many uſeful offices for them: the popularity he had acquired by this means making him of ſome conſequence, he was preferred by the King, to whom he ingratiated himſelf by flattering his religious prejudices, and betraying his friends who had ſupported his character at the time when he was perſecuted by Laud, and ill-treated by the court.

† The apprentices aſſert in their petition, that they are engaged by the late proteſtation to defend the King's rights, the liberties of parliament, and the ſubjects in general, againſt Papiſts and Popiſh innovations; ſuch as archbiſhops, biſhops, and their dependants, appear to be. This is the firſt time that this uſe had been made of the proteſtation. *Ruſhworth*, vol. IV. p. 462.

ſcuffle.

ſcuffle. Williams, tranſported with paſſion and indignation, ſummoned all his fellow prelates who were in town, and propoſed to them to join in a proteſtation, to be addreſſed to the King and the houſe of Peers. This propoſal being agreed to, he immediately prepared a paper, which ſet forth, "That though the biſhops had an undoubted right to ſit and vote in parliament, and ought to be protected by the King in this privilege, yet in going thither they had been menaced and aſſaulted by the multitude, to the danger of their lives, and could find no redreſs, upon ſundry complaints made to both houſes on theſe particulars; that as they could no longer with ſafety attend their duty in the houſe, they did proteſt againſt all laws, votes, and reſolutions, as null and void, which ſhould paſs during the time of their forced and violent abſence." This paper was directed to the King, with an humble deſire that he would ſend it to the Lords, and command that it ſhould be entered in the Journals of the houſe. The archbiſhop hurried to Whitehall for the royal approbation: Charles, ever precipitate in his determinations, entered with cagerneſs into the politics of the biſhops: "The houſe of Peers could do nothing in their abſence; this would affect the reſolutions of the lower houſe; this would put an effectual ſtop to the progreſs of the intended reformation; the houſe of Peers might eſpouſe the cauſe of biſhops with a warmth that might occaſion ſuch a diſagreement as ſhould oblige the Commons to give up their pretenſions in this point; or it might introduce a favourable opportunity to bring about a diſſolution." Thus ſanguine were the King's hopes

Ann. 1641.

Proteſtation of the biſhops.

Ann. 1641. on every plauſible expedient that was propoſed to him. The paper was immediately delivered into the hands of the lord-keeper Littleton, with an injunction that he ſhould preſent it to the houſe as ſoon as it met †. Littleton, who was a ſtate-puritan * by principle, though a courtier in practice, burnt with a deſire to perfect a reconciliation with the prevailing party in the houſe of Commons: he had had an opportunity of ingratiating himſelf, by complying with their reſolutions in giving up his privilege of voting on the trial of Strafford; and finding that great uſe might be made of this proteſtation, he did not offer an objection, but, obſerving the ſtrict letter of the command, read it openly in the houſe of Lords, not without making ſome comments on it very much to the diſadvantage of the proteſting party. The aſſembly of Peers was at this time not only purged of the company of biſhops, but the Popiſh lords were likewiſe frightened away by the rage of the people. This proteſtation, therefore, to the confuſion and diſappointment of the King and the prelates, acted diametrically oppoſite to their expectations: the popular lords, in a tranſport of joy, cried out, that the hand of God now appeared in bringing that to paſs which they could never otherwiſe have effected. The houſe unanimouſly agreed to deſire an immediate conference with the Commons: the proteſtation was read by the keeper, and delivered to them with this advice, That

† The houſe had two days receſs during the Chriſtmas holidays.

* The oppoſers of the power of the crown were called State Puritans. *Rapin.*

he

he had received it from the King's own hand, with a command to preſent it to the houſe of Peers: he told them, in the name of that aſſembly, that the proteſtation containing matters of dangerous conſequence, extending to the deep trenching upon the fundamental privileges and being of parliaments, they thought fit to communicate it to the Commons, as a thing of great and general concernment. On the report of this conference, it was reſolved in the lower houſe, that the twelve biſhops who had ſigned the paper ſhould be accuſed of high-treaſon, for endeavouring to ſubvert the fundamental laws and being of parliaments. Mr. Glyn was ſent up on this errand: he deſired, in the name of the Commons, that the biſhops might be put in ſafe cuſtody. The Lords complied with the requeſt; the parties were brought to the bar as delinquents *, and then committed to the Tower †; Ann. 1641.

* Archbiſhop of York, biſhops of Durham, Coventry and Litchfield, Norwich, St. Aſaph, Bath and Wells, Hereford, Oxford, Ely, Glouceſter, Peterborough, and Landaff. The Commons having obtained this point, dropped their firſt proſecution againſt the thirteen biſhops. On this impeachment of the biſhops, Mr. Rouſe made a ſpeech to the houſe to perſuade them to interpoſe their authority to prevent the conſecration of three of the biſhops newly appointed: two of them had undergone that ceremony, and were already inveſted in their office.

Hall, biſhop of Norwich, had, at the inſtigation of Laud, written a treatiſe to vindicate the *jus divinum* of biſhops. Though this abſurd doctrine is ſtrongly inculcated in this work, yet it was done with too much moderation for the archbiſhop, who corrected it and improved it with his own hand, before he ſuffered it to be publiſhed. *Parl. Hiſt.* vol. X. p. 146, *& ſeq.*

† The two archbiſhops, Laud and Williams, having ever been of the ſame principles, and having only differed as their ſeveral intereſts thwarted each other, thoſe intereſts being now reconciled by the ſimi-

Ann. 1641. not an individual in either houſe having ventured to ſpeak one word in their vindication: one perſon ſaid, that " he did not believe them guilty of high-treaſon, but they were ſtark mad, and ought to be ſent to Bedlam *."

larity of their ſituations, became perfect friends, each of them expreſſing contrition for that mutual animoſity which had contributed to the overthrow of a ſuperſtition calculated to ſupport the prelates in power, pomp, and luxury.

* The diſgrace of the biſhops was celebrated with bonfires, and all ſorts of public rejoicings.

CHAP. III.

The King enters into new projects to ſubdue oppoſition.——His attorney brings into the upper houſe a charge of high-treaſon againſt the lord Kimbolton, and five members of the lower houſe.——The King goes to the lower houſe, with an intention to ſeize the five members.——They elude the danger by an eſcape.——Confuſion and terror of the public.——The King endeavours, but in vain, to ſoften their reſentment.——The parliament adjourn, and appoint a committee to ſit at Guildhall.——Complaiſance of the city to the parliament's committee.——The city petition the King.——He retires from Whitehall to Hampton-Court.——Re-meeting of parliament; with the triumphant return of the committee and the ſix accuſed members.——Declaration of the parliament againſt the King's proceedings.——They appoint themſelves a guard.——Petitions of the inhabitants of the county of Bucks.——The parliament ſecure the town and garriſon of Hull, and manifeſt other ſymptoms of diſtruſt.——The Scotch commiſſioners intereſt themſelves in the quarrel between the King and parliament.——The Commons make new attempts to wreſt the power over the militia

from

from the King; and publiſh a declaration for putting the kingdom into a poſture of defence.——The parliament re-adjourn, and appoint a committee to ſit at Grocers Hall, with a guard.——New projects of the King.——Caution of the Commons.——They impeach Sir Edward Herbert, the King's attorney.——The Lords paſs ſentence on him.——Mr. Pym's ſpeech to the Lords on the ſtate of public affairs.——Proceedings againſt the duke of Richmond.——Farther proceedings on the militia.——Various petitions.——Harmony between the two houſes.——The bill for depriving biſhops, &c. with the preſſing act, paſs the Lords.——Farther proceedings againſt the impeached biſhops.——And on the militia.——The queen leaves the kingdom.——The royal aſſent given to the bill againſt biſhops, and the preſſing act.——Impeachment againſt the lord Digby.——The King denies his aſſent to the parliament's ordinance on the militia.——Spirited tranſactions of the parliament.——The King retires northward.——Acts paſſed.——Affairs of Ireland.

NOTWITHSTANDING the advantage the biſhops had given their adverſaries, yet the cauſe of Liberty was more triumphant in appearance than in reality. The cloſe conjunction of the Popiſh and prelatical factions, a ſtrong combination of ſelf-intereſt with prejudice, formed a powerful oppoſition againſt the deſigns of the patriot party. The King had ſo great an influence in the lower houſe, that it was with difficulty the popular members could carry any material point againſt him, as appears in the votes on the remonſtrance. He yet maintained a majority among the Peers, notwithſtanding the confinement of the biſhops; they having, after this event, refuſed to join with the lower houſe in their petition for a guard, Ann. 1641.

Ann. 1641. and, though earneſtly ſolicited, declined going on the excluſion-bill. The zeal of the multitude, if not continually fed with fuel, ſoon cools; and even now the treachery of the court began to be leſs apprehended, and the King's ſuppoſed connivance at the Iriſh rebellion (which had generally gained belief, and excited the utmoſt diſguſt and horror) was ſo ſtiffly and obſtinately denied by the faction of royaliſts, that it was treated with an univerſal ſcepticiſm. Notwithſtanding the weakneſs and the wickedneſs of the King's adminiſtration, the known immorality of his political character, his acknowledged ſervitude to a ſuperſtitious intriguing woman, entirely governed by her prieſts; notwithſtanding the ſeverities and inconveniencies which this nation had experienced from monarchical and prieſtly government; notwithſtanding the virtue and abilities of the leaders in oppoſition, the righteouſneſs and rationality of their cauſe; notwithſtanding that the people, to the very loweſt orders, had already taſted the ſweets of Liberty; ſuch is the fluctuating temper of the common herd of mankind; ſuch their want of conception in every article of political happineſs; ſuch their attachment to eſtabliſhed forms, however pernicious and erroneous; ſuch their obedience and blind faith in thoſe that are their ſuperiors in fortune and in rank; that the current began to change. Had the King remained quiet and avoided giving any farther diſguſt, had he patiently waited that fortune which accident and the caprice of human nature was preparing for him, the tide of bigotry to kings might have returned ſtronger

than

than it had ebbed, and bore down with it all thoſe bulwarks which the champions of Liberty had erected for the new-acquired rights they had obtained for the people. Such evil was not at this time to be the portion of GREAT BRITAIN. Ann. 1641.

CHARLES, whoſe ſanguineneſs of diſpoſition, on any favourable appearance, was equal to his dejection of ſpirit in contrary circumſtances, grew elated to a high degree at the flattering account which his creatures daily gave him of the ſituation of his affairs. The party in oppoſition were repreſented as driven to their laſt ſhifts; that many of them, foreſeeing they ſhould be forſaken by the people, to avoid puniſhment, intended to fly the country. Such was the confidence which this dawn of fortune inſpired into the royal party, that Falkland accepted of the office of ſecretary of ſtate *, Sir John Colepeper that of chancellor of the Exchequer, and Mr. Hyde was promiſed a preferment ſuitable to his merit. Charles, intoxicated with this returning proſperity, determined at one ſtroke to ſubdue his half-vanquiſhed enemies, and open a way by which all the conceſſions which had been extorted from him might be reſcinded. Acherley's Britannic Conſtitution, p. 412.

* Sir Henry Vane's diſmiſſion from this office gave ſo much chagrin to the Commons, that he, with the earl of Saliſbury, was ſpecially recommended to the King, to be re-taken into his ſervice. Sir Henry Vane junior, the ſon of the ſecretary, being diſmiſſed from the office of treaſurer of the navy, it was voted, that the houſe would take it into conſideration when they ſhould conſider the next bill for tonnage and poundage. *Journals of the Commons*, vol. II. p. 360.

WHEN

Ann. 1641. WHEN the lord Saville, in conſequence of his ſucceſsful forgery, had overwhelmed his rival Strafford with the vengeance of an enraged parliament, he, betraying his friends and aſſociates, informed the King, that the Scots had had a general invitation, from the leaders of the diſcontented party, to invade England; and that many of his ſtaunch oppoſers in parliament had been of the cabal. On this intelligence, the King undertook a journey to Scotland, to furniſh himſelf with matter for an accuſation, and, by the force of bribery and flattery, to break the engagement between the Scottiſh and Engliſh leaders. It is ſaid, he ſucceeded ſo far as to diſcover that thoſe who were the active and leading men in both houſes of parliament had not only encouraged but ſolicited the Scotch invaſion *. He was prevented from making an immediate uſe of this information by the outcry which the Iriſh maſſacre had raiſed againſt him, and by the fears and jealouſies which the rumour of a conſpiracy at Edinburgh, to take off by aſſaſſination the marquis of Hamilton and the earl of Argyll, had occaſioned in the Engliſh parliament. Preparatory, however, to

* It is ſuppoſed to have been Montroſe who diſcovered ſeveral particulars to the King. He could not prevail with Wareſtoun to give up the invitation forged by the lord Saville, which had been entruſted to his hands. It is ſurpriſing that the King ſhould have ſo eager a deſire to poſſeſs this paper, ſince he knew that it was forged by Saville, the man who, notwithſtanding this intelligence, he had promoted. Wareſtoun, not knowing what uſe the King intended to make of it, excuſed himſelf from delivering it, cut out the ſubſcriptions, and ſent each to the perſon for whom they were forged. *Burnet's Hiſtory of His Own Times*, vol. I. p. 29.

this

this important enterprize, he diſmiſſed the guards which this aſſembly had raiſed for their ſecurity, took away the care of the Tower from the earl of Newport, and placed Sir Thomas Lunsford in the office of lieutenant; a man, who, as Clarendon ſays, was only known by the diſadvantage of an ill character, who would be faithful for the obligation, and execute any thing that ſhould be required of him. The inſtant and peremptory demands of the populace obliging the King to diſmiſs Lunsford, Sir John Byron, another creature of the court, was put in his place; and a regiment of diſbanded reformadoes * entertained at the royal palace. The Commons, ever ſuſpecting treachery on the King's part, were juſtly alarmed at theſe ſuſpicious circumſtances, and continued to petition for a guard; appointing a committee to ſit in the city, during their receſs of three days, to receive the King's anſwer, and tranſact this buſineſs. The King, for very important reaſons, continued deaf to the earneſt deſire of the Commons, and ſent them word, That he was wholly ignorant of the grounds of their apprehenſions; if he had any knowledge or belief of the leaſt deſign of violence againſt them, he would purſue the contrivers of it with the ſame ſeverity and deteſtation that he would do the greateſt attempt on his crown; and he engaged ſolemnly, on the word of a King, that the ſecurity of all and every one of them from violence was and ſhould ever be as much his care as the preſervation of himſelf and children; and

Ann. 1641.

Clarendon's Hiſt. vol. I. p. 280.

Rapin, vol. XI. p. 304.

* The parliament had theſe reformadoes in ſo great diſtruſt, that they were diſbanded on their firſt meeting, before the reſt of the Engliſh troops.

if

Ann. 1641. if this general aſſurance could not ſuffice to remove their apprehenſion, he would command ſuch a guard to wait upon them as he would be reſponſible for to Him who had charged him with the ſafety and protection of his ſubjects. The populace of London had entirely diſperſed, and the King ſent to his good friend the lord-mayor and the common-council of London to take meaſures to prevent their re-meeting.

On the third of January, the day the parliament met after their receſs, the Commons received the King's denial to their requeſt for a guard of their own appointing. In the afternoon of the ſame day, Herbert, the attorney-general, informed the Lords, that he had ſomewhat of importance to communicate to them from the King, who had commanded him to accuſe the lord Kimbolton *, a member of that houſe, and five members of the houſe of Commons, of high-treaſon; that his majeſty had himſelf delivered him in writing the articles on which he accuſed them. —Thus ſaying, he read the following engroſſed impeachment:

Parl. Hiſt. vol. X. p. 156, & ſeq.

"That the accuſed members had endeavoured to ſubvert the fundamental laws of government, to deprive the King of his regal power, and to place in his ſubjects an arbitrary and tyrannical power:

"That they had, by foul aſperſions on his majeſty and government, endeavoured to alienate the affections of his people, and to make his majeſty odious:

* Son to the earl of Mancheſter.

"That

"THAT they had endeavoured to draw his late army into diſobedience to his commands, and to ſide with them in their traitorous deſigns: Ann. 1641.

"THAT they had traitorouſly invited and encouraged a foreign power to invade his majeſty's kingdom of England.

"THAT they had traitorouſly endeavoured to ſubvert the very rights and being of parliament:

"THAT they had by force and terror compelled the parliament to join with them in their traitorous deſign; and to that end had actually raiſed and countenanced tumults againſt the King and parliament; and that they had traitorouſly conſpired to levy, and had actually levied, war againſt the King."

MR. Attorney, having read the articles of impeachment, farther ſaid, that he was charged to deſire, on his majeſty's behalf, firſt, That a ſelect committee, under a command of ſecreſy, ſhould be appointed to take the examination of ſuch witneſſes as the King would produce in this buſineſs, as formerly had been done in caſes of the like nature; ſecondly, Liberty to add and alter, if there ſhould be cauſe; thirdly, That their lordſhips would take care for ſecuring the perſons, as in juſtice there ſhould be cauſe.

AMAZEMENT ſeized the Lords on hearing both houſes of parliament in a manner accuſed of high-treaſon; every act which had been made to ſecure the people from any future attempt on their Liberties, condemned as irregular, and extorted by violence; and themſelves

Ann. 1641. requeſted to perform ſo unconſtitutional an act as to commit five members of the lower houſe, over which they had no power. When the aſſembly had a little recovered their ſurprize, they appointed a committee to examine the regularity of this proceeding, whether there ever had been ſuch a one, and whether an accuſation againſt a peer might be brought into their houſe by the attorney-general. They took no other notice of the accuſation againſt the five commoners but by acquainting their houſe, that ſome of their members were accuſed of high-treaſon *.

WHILST this ſcene was acting in the houſe of Lords, the Commons were informed, that Sir William Flemming, Sir William Killigrew, and others, were at Mr. Hollis's and Mr. Pym's, ſealing up their trunks, doors, and papers. On this intelligence, the Commons ordered their ſerjeant to go and break open the ſeals, and apprehend thoſe who put them on; and

* Clarendon ſays, that it was the lord Digby who adviſed the King to this accuſation; and promiſed him, that as ſoon as the attorney-general had read the impeachment, he would move for the commitment of the lord Kimbolton; that, on the contrary, he ſeemed more ſurprized and perplexed at the event than any other member in the houſe; and, ſitting next the lord Kimbolton, whiſpered him with ſome emotion, that the King was miſchievouſly adviſed, that to prevent farther evil he would know immediately whence the counſel proceeded; that ſo ſaying, he retired in great confuſion. Clarendon is of opinion, that if Digby had performed his promiſe it would have raiſed a very hot diſpute in the houſe. This opinion proceeded rather from the ſame ſanguineneſs of diſpoſition which had betrayed the King and Digby into the ill-timed accuſation, than from juſt grounds. It is likely that Digby's timidity was occaſioned from the unexpected appearance of reſentment he ſaw in the houſe. *Clarendon's Hiſt.* vol. I. p. 282.

paſſed

paſſed an order, That if any perſons whatever ſhould come to the lodgings of any member of the houſe, and offer to ſeal his doors, trunks, or papers, that then ſuch member ſhould require the aſſiſtance of the conſtable to keep ſuch perſons in ſafe cuſtody till the houſe ſhould give farther orders; that if any perſon ſhould offer to arreſt or detain any member, without firſt acquainting the houſe therewith, it ſhould be lawful for ſuch member to ſtand upon his defence, and for any perſon to aſſiſt him, according to the proteſtation taken to defend the privileges of parliament. A conference on the ſubject of this breach of privilege being immediately demanded of the Lords, the Commons entreated that aſſembly to join in a requeſt to the King to remove the guards at Whitehall; and that the parliament might have ſuch a guard as ſhould be approved of by his majeſty and both houſes; that their lordſhips would join in vindicating the privileges of parliament; and if a guard could not be obtained, that they would take into conſideration the adjourning to a place of ſafety. Ann. 1641.

On the ſubject of this conference the Lords paſſed the following orders: That all the chambers, ſtudies, and trunks belonging to Mr. Hollis, Mr. Pym, Mr. Hampden, or to any member of parliament, that have been ſealed up and locked, ſhall be forthwith unſealed and unlocked, and left to their free uſe and diſpoſure; that this houſe will join with the houſe of Commons in an humble petition to the King for a guard in the ſame manner as they deſire, and that it ſhall continue as long as the King and both houſes ſhall think fit.

Ann. 1641. On this day of buſineſs, Francis, the King's ſerjeant at arms, came to the houſe with a meſſage from the King: on being admitted, he informed the ſpeaker, that he was commanded by the King's majeſty on his allegiance to require of him five gentlemen, members of the houſe of Commons; and that theſe gentlemen being delivered, he was ordered to arreſt them, in the King's name, of high-treaſon; that the names of the five gentlemen were, Mr. Hollis, Sir Arthur Haſlerig, Mr. Pym, Mr. Hampden, and Mr. William Strode. On this meſſage, the Commons with great calmneſs diſcharged the ſerjeant, and ordered Sir John Colepeper, the preſent chancellor of the Exchequer, lord Falkland, ſecretary of ſtate, Sir Philip Stapleton, and Sir John Hotham, to attend his majeſty, and acquaint him, That his meſſage was a meſſage of great conſequence, as it concerned the privileges of parliament, and therein the privileges of all the Commons of England; that they would take it into ſerious conſideration, and would attend his majeſty with an anſwer, in all humility and duty, and with as much ſpeed as the greatneſs of the buſineſs would permit; and, in the mean time, the houſe would take care that thoſe gentlemen mentioned in the meſſage ſhould be ready to anſwer any legal charge laid againſt them. After this, the ſpeaker, by the command of the houſe, enjoined the accuſed members to give their attendance *de die in diem**. On the morning of the ſucceeding day, the King not

* A committee of both houſes having been ſent to the King to remonſtrate on this breach of privilege, he told them, that the houſe ſhould have an anſwer as ſoon as it was ſet.

having

having ſent a ſatisfactory anſwer to the joint petition of both houſes for a guard, the Commons teſtified to the Lords their uneaſineſs on this head, becauſe they had received information, that the gentlemen of the inns of court had been dealt with to come armed to Whitehall when they ſhould be required *; and that a ſcandalous paper had been publiſhed, to the injury of ſome members of both houſes, containing articles of high-treaſon againſt them; they deſired the Lords to join with them in finding out the authors, and bringing them to condign puniſhment †. The King, on the return of his ſerjeant empty-handed, entered on the execution of the laſt part of his project; viz. the going himſelf in perſon with an armed force, taking the houſe at a ſurprize, and ſeizing the five members ‡. This was determined on the receipt of the meſſage from the Commons; but the morning bringing more timid reflections, the King went to the queen's apartment, and expoſtulated with her on the Ann. 1641.

* They received a meſſage, the night before they were examined, to keep within the ſucceeding day, and be ready at an hour's warning, if his majeſty ſhould have occaſion to uſe them. The articles of accuſation againſt the ſix members were likewiſe ſent to them. *Ruſhworth*, vol. IV. p. 476.

† An order paſſed the Commons' houſe, that the trained-bands of the city of London ſhould be put in readineſs for the ſafety of the King's perſon, the city, and the commonwealth; and that there ſhould be a ſtrong guard and watches ſet at all places convenient about the city. *Journals of the Commons*, vol. II. p. 366.

‡ According to a plan which had been previouſly laid, Lilly ſays, that all Chriſtmas time there were private whiſperings in court, and ſecret counſels held by the queen and her party, with whom the King ſat in council very late many nights. *Lilly*, p. 57.

hazard

Ann. 1641. hazard of the attempt, expreſſing ſomething like a determination of not putting it in execution. The queen was tranſported with paſſion at this want of reſolution: "Go, coward! exclaimed this imperious woman, pull theſe rogues out by the ears, or never ſee my face more." The ſubmiſſive huſband obeyed, and went ſtrait to the houſe of Commons, with a train of five hundred followers. The houſe having received intimation of the King's intention *, ordered the five members to withdraw, leſt the houſe ſhould be engaged in blood †. This order was hardly obeyed when the doors were flung open, and the King ap-

* One captain Langriſh ruſhed through the King's train, and brought the houſe intelligence of his hoſtile appearance: at the ſame time the aſſembly was informed, by one of its own members, that endeavours would be uſed that day to ſeize the five members. It is ſaid, the intimation came from the counteſs of Carliſle, who overheard the dialogue between the King and queen. Clarendon hints, that it came from William Murray, of the bed-chamber: but the ſuſpicions of this author are ſeldom well grounded. Murray was ſo far from acting as a ſpy for the oppoſition, that, in a reſolution of the Commons' houſe, he, among others, is particularly objected to, as improper to be truſted about the perſon of the King. Lilly the aſtrologer ſays, that whilſt he was at dinner at Whitehall, Sir Peter Wich, one of the court attendants, burſt into the room, and broke open the cheſt which contained the arms: the action frighted the whole company; and one of them ran to inform ſome members of the Commons' houſe, that the King had hoſtile intentions. *Lilly's Obſervations of the Life and Death of King Charles*, P. 59.

† Mr. Strode was unwilling to withdraw; but the houſe inſiſted on his obedience, to prevent the inconvenience of defending their privilege by force of arms. The ſix members repaired for ſhelter to a houſe in Coleman-ſtreet in the city. The lord Digby was mad enough to offer to go with a ſelect company of gentlemen, and to bring them away, or leave them dead on the place. *Clar. Hiſt.* vol. I. p. 283.

pear-

peared: he walked immediately up to the chair, and Ann. 1641.
ſaid, "By your leave, Mr. Speaker; I muſt borrow your chair." After having ſtood in it ſome time, and eyed the members as they roſe up uncovered to receive him, he aſked the ſpeaker, whether he ſaw any of the accuſed members, and where they were? The ſpeaker, falling upon his knee, replied, "I have neither eyes to ſee, nor tongue to ſpeak, in this place, but as the houſe is pleaſed to direct me, whoſe ſervant I am here; and humbly beg your majeſty's pardon that I cannot give any other anſwer than this to what your majeſty is pleaſed to demand of me." On this the King told the houſe, he had ſent a ſerjeant at arms to apprehend ſome that, by his command, were accuſed of high-treaſon, unto which he expected obedience, and not a meſſage; that he muſt declare unto them, that albeit no King that ever was in England ſhould be more careful to maintain their privileges than himſelf, yet he muſt let them know, that in caſes of treaſon no perſon had privilege; and therefore he was come to know if thoſe perſons he had accuſed were amongſt them, for ſo long as that was the caſe, he could not expect that the houſe would be in the right way he did heartily wiſh it; he was come to tell them, he muſt have the perſons accuſed whereſoever he could find them *; that ſince the birds were all flown, he did expect that the houſe would ſend them unto him as ſoon as they returned, otherwiſe he muſt

* An evidence that he meant to uſe force had they been in the houſe; though he afterwards called God to witneſs, that he did not intend violence. *Clar. Hiſt.* vol. I. p. 341.

take

Ann. 1641. take ſome other courſe to find them; he never did intend force, but to proceed in a legal and fair way; and whatſoever he had done in favour, and to the good of his ſubjects, he meant to maintain. Thus having ſaid, the King retired in ſome confuſion, many members crying out, "Privilege! Privilege*!"

The houſe adjourned itſelf till the next day. Great was the confuſion and terror of the public on this event. The accuſed members removed themſelves into the city; the inhabitants of which were the whole night in arms. Alarms of various kinds were raiſed, that the cavaliers and Papiſts were come to fire the city, and that the King was at the head of them. The next morning, orders having been ſent to the lord-mayor to call a common-council, Charles, attended by three or four lords, went to Guildhall: he told the council, that he was come to demand ſuch perſons whom he had accuſed of treaſon, and did believe they were ſhrouded in the city; he hoped no good man would keep them from him; their offences were treaſon and miſdemeanors of an high nature: he did deſire their loving aſſiſtances therein, that they

* The Commons had ſent a meſſage the night before, complaining, that the King had infringed their privileges in ſending his ſerjeant to their houſe to ſeize their members. On the delivery of this meſſage, the King returned, that he would ſend an anſwer the next morning as ſoon as the houſe was ſet. To the lords, who had been ſent from the upper houſe to ſolicit a guard, he ſaid, he could not give a preſent anſwer, by reaſon of ſome weighty affairs that were then before him; but he believed he ſhould ſend one either that day or the morrow. This was on the morning of the day on which he went to ſeize the five members. *Ruſhworth*, vol. IV. p. 476. *Parl. Hiſt.* vol. X. p. 162.

might

might be brought to a legal trial; and whereas there were divers ſuſpicions raiſed that he was a favourer of the Popiſh religion, he did profeſs, in the name of a King, that he did, and ever would, and that to the utmoſt of his power, be a proſecutor of all ſuch as ſhould anywiſe oppoſe the laws and ſtatutes of the kingdom, either Papiſts or ſeparatiſts; and not only ſo, but would maintain that true Proteſtant religion which his father did profeſs. Certainly the King was yet intoxicated with the entertainment he had received from the city, and fondly imagined, that in the flattery of the lord-mayor and a few of the aldermen was included the ſentiments of all the men of property in London; otherwiſe he could never have imagined by ſuch means to get poſſeſſion of the five members, or have thought this an occaſion to acknowledge himſelf ſtrongly attached to his father's ſuperſtition, and an inveterate oppoſer of that alteration in religion which was at this time univerſally deſired. Charles, who thought that the ſmiles of majeſty had an irreſiſtible influence on the affections of men, put on airs of popularity, and, after uſing many gracious expreſſions of the eſteem he had for the company, told one of the ſheriffs, who was known to be attached to the parliament, that he would dine with him. He had the mortification, however, to depart without receiving any mark of applauſe or approbation. As he returned home, he was followed by the people, but received no other inſult than a paper flung into his coach by a pamphlet-writer, whereon was written theſe words, "To your

Ann. 1641.

The King endeavours, but in vain, to ſoften the reſentment of the public.

Ann. 1641. your tents, O Iſrael *!" the croud contenting themſelves with crying out, "Privilege of parliament! Privilege of parliament †!"

Clar. Hiſt. vol. I. p. 284. A PROCLAMATION was iſſued out the next day for the apprehenſion of the ſix members ‡; with a prohibition to all perſons to harbour them; and the articles of their charge were printed and diſperſed §.

* The words uſed by the Iſraelites, when they abandoned their weak and tyrannical prince Rehoboam.

† Lilly ſays, that the King had no incivility, in the leaſt meaſure, offered to his perſon; only many cried out as he paſſed the ſtreets, "Sir, let us have our juſt liberties; we deſire no more." *Lilly*, p. 61.

‡ Mr. Hollis and Mr. Strode had already ſuffered many years impriſonment, after the diſſolution of that parliament which immediately preceded the twelve years of arbitrary government without parliaments. *May's Hiſt.*

§ Clarendon, at the ſame time that he vindicates the legality of the King's proceedings, takes great pains to exculpate himſelf and friends, Falkland and Colepeper, from being the adviſers of the project; aſſerting, That notwithſtanding they had inliſted in the ſervice, under promiſe that the King would enter into no new counſels without their advice, they were abſolute ſtrangers to meaſures they deteſted, and of which they could not avoid being looked upon as the authors. If this is true, it proves undeniably, that, however honourable the terms were on which this triumvirate accepted of office, they were too much intoxicated with its charms to ſuffer any nice care of reputation, or delicate idea of honour, to deprive them of its poſſeſſion; ſince, from the accuſation of the ſix members, in the upper houſe, there was time enough for theſe new officers of ſtate to interpoſe their ſalutary advice to the prevention of the other more unjuſtifiable proceedings. The King, notwithſtanding his promiſe, perſiſted in governing himſelf by the counſels of others, to the great detriment of their reputation; and their reſentment on this produced only an inclination not to be chief ma-

The houſe of Commons only met to vote, that the King had violated the privilege of parliament; that they could not ſit any longer at Weſtminſter, without a full vindication of ſo high a breach of privilege, and a guard for the ſafety of their perſons *: it was reſolved to adjourn till the eleventh †. A committee of twenty-five was appointed to ſit in Guildhall, to Ann. 1642. The parliament adjourn.

managers of his buſineſs in the lower houſe. Falkland, Colepeper, and Hyde, were taken into the King's ſervice by the eſpecial recommendation of the lord Digby. Falkland had ſcruples on undertaking ſo invidious a taſk, leſt more ſhould be expected from him than he could honeſtly comply with; but Hyde perſuaded him out of theſe. Indeed the ſcruples of the latter ſeem not to be very nice; he laments, that the King did not, previous to the accuſation, apprehend the ſix members, and keep them in ſuch cloſe cuſtody that nobody ſhould have heard from them, nor they from one another: "All which, ſays he, would not have been very difficult; and then the high ſpirits of both the houſes might have been dejected enough to have been treated withal." It is a queſtion, which of the two, Digby or Hyde, were more erroneous in their notions concerning the laws of the conſtitution, and the temper of the times: Hyde gravely cenſures the ſecrecy with which the intention of accuſing the ſix members was kept, becauſe it prevented the King's friends from taking advantage of the conſternation of the houſe to preſs ſomething to his ſatisfaction. *Clarendon's Hiſt.* vol. I. p. 268, 284, 306.

* The firſt order paſſed was, That the door ſhould be locked, the key brought up, the outward rooms cleared of all perſons but the ſervants of the members; that no member ſhould go out without leave; and that ſome of the ſervants ſhould be ſent to ſee what numbers of people were repairing towards Weſtminſter. *Nalſon*, vol. II. p. 823.

† The Lords adjourned themſelves till the time fixed for the remeeting of the Commons, and appointed a committee for Iriſh affairs, which ſhould have power to adjourn themſelves from time to time, and from place to place, as they ſhould ſee cauſe. *Parl. Hiſt.* vol. X. p. 168. *Nalſon*, vol. II. p. 822.

Ann. 1641. Journals of Commons, vol II. p. 368.

conſider of all things concerning the good and ſafety of the city and kingdom; and particularly how the privilege of parliament might be ſecured. This committee had the direction of the Iriſh affairs; and all that choſe to attend had voices. A meſſage was ſent to the Lords, to acquaint them with what had paſſed the day before, and with their reſolutions.

Complaiſance of the city. Clar. Hiſt. vol. I. p. 285.

THE reception which the committee of the Commons' houſe found from the city was of the moſt reſpectful kind: a guard of ſubſtantial citizens ready to attend them; a committee of the common-council appointed to bid them welcome, and to aſſure them, that the city would protect them from violence; that the guard ſhould be relieved twice a-day, if they reſolved to ſit morning and afternoon; and, that the city might know their pleaſure, and what was required of them, they had appointed a committee of aldermen and common-council-men to meet at the ſame hour they met. Nor were theſe all the marks of affection which the city of London ſhewed to the parliament and their cauſe. They preſented a petition to the King, expreſſing their fears and diſtractions by reaſon of the progreſs of the bloody rebellion in Ireland, fomented by the Papiſts in England and their adherents; the want of aid to ſuppreſs them; the ſeveral intimations they had had, both foreign and domeſtic, of the driving on deſigns tending to the utter ruin of the Proteſtant religion, and the lives and liberty of the ſubject; the putting out perſons of truſt from the charge of the Tower; the preparations there lately

They petition the King. Huſband's Collections, 4to ed. 1643, p. 45, & ſeq.

lately made; the fortifying Whitehall with men and munition, in an unuſual manner *, ſome of which men, with provoking language and violence, had abuſed and wounded the citizens; the late endeavours uſed to the inns of court; the calling-in cannoneers and other aſſiſtance into the Tower; the late diſcovery of divers fireworks in the hands of a Papiſt; and the miſunderſtanding between his majeſty and the parliament; the fears of the petitioners being exceedingly encreaſed by his majeſty's late going into the houſe of Commons, attended by great multitudes beſides his uſual guard, for the apprehending of divers members of that houſe, to the endangering his ſacred perſon, and the perſons and privileges of that honourable aſſembly; the effect of theſe fears tending to the overthrow of trade, and threatening the ruin of the Proteſtant religion, and the liberty of the ſubject. The petitioners therefore prayed, that, by the advice of the parliament, the Proteſtants in Ireland might be ſpeedily relieved; the Tower put into the hands of perſons of truſt; unknown and doubtful perſons might be removed from about Whitehall and Weſtminſter; an approved guard appointed for the ſafety of his majeſty and the parliament; and that the lord Kimbolton, and the five members of the houſe of Commons, lately accuſed, might not be re- Ann. 1641.

* The committee of the Commons' houſe had received information, that on the fourth of January, the day in which the King came to the lower houſe to ſeize the five members, the lieutenant of the Tower permitted one hundred arms, two barrels of powder, and match and ſhot proportionable, to go out of the Tower to Whitehall. *Ruſhworth*, vol. IV. p. 480.

ſtrained

Ann. 1641. ſtrained of liberty, or proceeded againſt otherwiſe than according to the privilege of parliament *.

It was reſolved by the committee of the Commons' houſe, that the ſheriffs of London and Middleſex ſhould raiſe the *poſſe comitatus* for their ſafe coming to Weſtminſter, the day that aſſembly ſhould meet again. On this occaſion the watermen and ſailors tendered their ſervice to guard them by water; and the apprentices to accompany them by land. The firſt offer was accepted, but the laſt was civilly refuſed †.

* In the exordium the petitioners ſay, That his majeſty's frequent declarations of his great care of the good and welfare of the city, of the true Proteſtant religion, and of protecting and preſerving the perſons and privileges of his great council aſſembled in the high court of parliament, encouraged them to addreſs him on theſe ſubjects. The King, in his anſwer to this petition, ſays, That he had removed Lunsford, a ſervant of good truſt and reputation, from the charge of the Tower, only to ſatisfy the fears of the city. He farther aſſerts, That if the petitioners conſidered the gentle way he took for the apprehenſion of thoſe he had accuſed of high-treaſon, which he preferred before any courſe of violence, they would believe his going to the houſe of Commons was an act of grace and favour to that houſe, and the moſt peaceable way of having ſo neceſſary a ſervice performed. *Ruſhworth*, vol. IV. p. 480, *& ſeq.* *Huſband's Collections*, p. 45, *& ſeq.*

† The committee told them, that they were ſenſible of their former readineſs to guard the parliament; they hoped to ſee them have redreſs in due time; but deſired them to ſtay at home the day the houſes met. A ſhip which at this time arrived in the Thames, loaded with arms and ammunition, raiſed the ſuſpicion of the committee: they ordered her to fall down the river out of the command of the Tower, and that the maſter of her ſhould call to his aſſiſtance a ſufficient force to reſiſt any endeavours which ſhould be made to take her lading out of her: by an order of parliament, the ammunition with which this ſhip was ſtored was ſent to Ireland.

In the ſpeeches which were made on the occaſion of the late high breach of privilege, Mr. Grimſtone aſſerted, among many other articles,

CHARLES began now ſeverely to feel thoſe diſtreſſes and difficulties into which his conduct had driven him. It has been repreſented, that, before this meaſure, his affairs began to wear a favourable aſpect; all the ſtaunch adherents to monarchy, and idolaters Ann. 1641.

cies; That it was a privilege of parliament, not to be broken off or diſſolved till all the grievances and oppreſſions of the ſubject were fully redreſſed and remedied; that it was a privilege of parliament, not to be broken off or diſſolved till all incendiaries and delinquents of the ſtate were brought to condign puniſhment. Mr. Glyn, on the ſame occaſion, aſſerted, that to cauſe any information to be brought or preferred againſt any member of parliament into the houſe, without the conſent of the houſe, was a breach of privilege; to proſecute and proceed againſt them upon ſuch an accuſation, without the conſent and advice of parliament, was a breach of privilege; to endeavour to create an evil opinion in the hearts of the ſubject againſt ſuch accuſed members was a breach of privilege; for any officer or ſerjeant to come in open parliament to demand and arreſt any ſuch member accuſed, be it of high treaſon or any crime whatſoever, without the knowledge of the whole houſe, was a breach of the privilege of parliament; to ſet forth any proclamation to apprehend ſuch accuſed perſons, or prohibit their repair to parliament as members thereof, without the advice and conſent of the whole ſtate aſſembled and ſitting in free parliament, was a manifeſt breach of privilege. Sir Simon d'Ewes, on the ſame occaſion, ſaid, that there was a double privilege of parliament, the one final and the other temporary; that its final privileges extended to all civil cauſes and ſuits of law; and the other, which was temporary, to capital cauſes, in which the perſons and goods of the members of both houſes were freed from ſeizure till the ſaid houſes were firſt ſatisfied of their crimes, and did deliver them up; that otherwiſe all privilege of parliament muſt be deſtroyed, and the houſes be deprived of their members on falſe and imaginary charges.——Arguments of a like nature as theſe urged by Sir Simon d'Ewes were uſed on a very recent occaſion, and undoubtedly had their weight, though not immediately operative; ſince the reſolution of giving up this important part of parliamentary privilege was cancelled in leſs than a year. *Journals of the Commons*, vol. II. p. 408. *Somers's Tracts*, vol. VI. p. 64, *& ſeq.* *Parl. Hiſt.* vol. X. p. 184, *& ſeq.* 188.

of

Ann. 1641. of old forms and ceremonies, of which there were not a few in both houſes of parliament, looked with diſguſt and horror on thoſe noble principles of Liberty on which it was obvious the leading members of the Commons' houſe intended to model the conſtitution. Theſe illuſtrious legiſlators laboured under the difficulties which ever attend deſigns of this nature, where the power of execution remains in the body of the people.

SOCIETIES whoſe ſyſtems of policy are framed on partial principles of convenience to the few, and not to the equal advantages and immunities of the whole, cannot admit of thoſe modes of education which perfect the reaſon of man, reaſon being an irreſiſtible enemy to ſuch ſyſtems. Under governments of this kind, the common herd of men are incapable of judging of argument, and muſt be led to action by their paſſions, not by their underſtandings. Pym, Vane, Hampden, and the other popular leaders, were too ſenſible of this neceſſity to truſt the public with their plan, or to attempt the explaining political truths to the vulgar and illiterate. To prevail with theſe to be the agents of their own happineſs, they endeavoured by every political art to keep up their diſguſt to the character of the King, and their apprehenſions of his treachery. The plot to bring the army againſt the parliament, the rumor of an intended aſſaſſination in Scotland, the Iriſh maſſacre, the petulant indiſcretion of ſeveral Papiſts and virulent royaliſts, had furniſhed them with fuel to ſupport, for ſome time, the flame of popular diſcontent: but paſſion is a prin-

a principle as unſteady and uncertain as judgment is cool and determined. Already the zeal of the populace began to ſubſide: the faction of the royaliſts were not idle: every plauſible quality in the King's character was exaggerated to a high degree of moral virtue; every probable excuſe was framed for his paſt conduct; every treachery with which he had been charged was denied; the attributes of piety, virtue, and honour were given to him: theſe, it was aſſerted, would prevent his harbouring malice againſt thoſe who had oppoſed him to the prejudice of his regal rights; theſe would prevent his undertaking any deſigns againſt the democratical principles they had introduced into the government: This being the caſe, concluded the royal partizans, it will be the wiſer conduct to enjoy our new-acquired rights with tranquility, and ſuffer our ſovereign to poſſeſs the remaining articles of prerogative untouched, rather than, by endeavouring at the attainment of ſuperior privileges, to unhinge a fixed government, and incur the dangers and inconveniencies of anarchy. Ann. 1641.

FALSE as were the poſitions on which theſe arguments were built, they began to have a prevalent effect, when the accuſation of the ſix members, and the aſſault on the houſe of Commons, determined the King's character, and made a full diſcovery of his ſentiments. There remained now no doubt, that his late condeſcenſion was not only conſtrained, but that he thought himſelf deſpoiled of his lawful authority; and that thoſe who had brought him into the neceſſity of parting with it, or had taken advantage of that neceſſity, were guilty of treaſon. In this caſe the parliament itſelf

Ann. 1641. could not be innocent. If the ſubverting the King's government was treaſon; viz. the depriving him of the power to impoſe taxes, impriſon his ſubjects, exerciſe martial law, innovate the eſtabliſhed form of worſhip, and aſſume a deſpotic power over the conſciences of his people; if this was treaſon, then was the whole parliament guilty. If the recital of the King's mal-adminiſtration, in the preambles of ſeveral acts of parliament, and particularly in the remonſtrance of the ſtate of the kingdom, were foul aſperſions on the King and his government, then was the houſe of Commons a principal offender. If by "placing in the ſubject an arbitrary and tyrannical power," was meant the enlarging the juriſdiction of parliament, and aſſuming an act by which that parliament was not to be diſſolved or prorogued without their own conſent, then were the majority of both houſes criminal in a high degree. If the appointing a guard of the trained-bands to watch over the ſecurity of parliament was raiſing an illegal force, then was the whole parliament involved in the ſame guilt as the ſix accuſed members. If the inviting the Scotch army to come into England was treaſon, then was the Scotch invaſion the higheſt act of treaſon; notwithſtanding it had been ſolemnly declared, by the mouth of the whole legiſlature of both kingdoms, that it was a laudable exertion of duty; then were the Scotch covenanters yet criminal, and the parliament of England guilty of treaſon in rewarding them with a preſent of three hundred thouſand pounds, and paying them the whole expence of their expedition, inſtead of enabling the King to ſubdue them by force of arms. If the parliament was compelled by

violence

violence and terror to theſe acts, through tumults raiſed and countenanced by the ſix members, then was every thing that had been done by this parliament null and invalid *. If the King was ſincere, when he declared himſelf tender of the liberties of his ſubjects, and tenacious of the privileges of parliament, at the ſame time that he intended an aſſault on the whole houſe, then his opinion of the liberty of the ſubject, and the privilege of parliament, was yet of a nature ſo peculiar as not to interfere with the higheſt acts of tyranny and uſurpation. Ann. 1641.

THIS was too obvious not to be the reaſoning of the moſt common underſtanding. Artifice to aggravate the King's actions was now no longer neceſſary; himſelf had proved every thing that his enemies had conjectured; and the majority of both houſes were now convinced of the neceſſity of curtailing a power which, it was apparent, would be uſed to ſuch pernicious ends †.

* On the reading the proteſtation of the twelve biſhops in the houſe of Peers, the lord Digby ſaid, that the parliament was not free, and that all acts, votes, and laws which ſhould be enacted in the abſence, and without the aſſent, of the biſhops, would be of none effect. This was ſo far reſented by the Lords as to occaſion them to paſs a vote, That the parliament was a free parliament. Intelligence of this paſſage having reached the Commons, they deſired, that lord Digby ſhould anſwer to the information, or otherwiſe be proceeded againſt as the parliament ſhould think fit: the hurry of more important matters prevented the farther proſecution of this buſineſs. *Parl. Hiſt.* vol. X. p. 151, *& ſeq.*

† "It could not be conceived, ſays Rapin, that, at a time when the moderate members began to unite in the King's favour, in order to eſtabliſh a ſolid peace, he ſhould run into an action ſo odious and obſtructive

Ann. 1641. The only queſtion which at preſent remained undetermined was, the bounds within which it would be expedient to confine it *. Charles, either apprehenſive of danger from the enraged multitude, or unable to bear the triumph of his enemies, retired to Hampton-Court the day before the appointed time for the re-meeting of parliament †.

The King retires to Hampton-Court.

Great was the ſolemnity and ſtate with which the committee, and with them the ſix accuſed members, were conducted to Weſtminſter. The city trained-bands formed a triumphant and military proceſſion ‡.

Re-meeting of parliament, with the triumphant return of the committee, and the ſix accuſed members.

ſtructive of it, had he not intended to ſubdue the parliament by force. *Rapin*, vol. XI. p. 328.

* The Lords were ſo ſurprized and alarmed at the King's pretenſions, that they inclined rather to truſt their privileges with the ſuppoſed levelling ſpirit of the times, than with the royal prerogative, in the hands of ſo determined a tyrant.

† It is ſaid that Mr. Pierpoint, an active member in the court-oppoſition, told the King, That, if he went away, a civil war muſt enſue; that, if he would ſtay, a little time and patience would bring all things to rights. This was the opinion of the moſt ſenſible of the King's party. The lord-mayor and the two new-knighted ſheriffs, Sir George Whitmore and Sir Henry Garroway, told him, That, if he went, he would leave the city open to his enemies, to do as they pleaſed; and that they were ſure to be the firſt undone: on the King's telling them, he was reſolved, Sir Henry Garroway ſorrowfully replied, "Then, Sir, I ſhall never ſee your face again." The earls of Eſſex and Holland, holding offices in the King's houſhold, were ordered to attend him on his journey; but ſuch an ill impreſſion had the public received of him, that theſe lords refuſed to go, on ſuſpicion of foul intentions againſt their lives. *Echard*, p. 522. *Clarendon's Hiſtory*, vol. I. p. 297.

‡ Some of the trained-bands carried upon the top of their pikes the proteſtation enjoined by parliament, and others the printed votes of the King's breach of privilege. *Echard*, p. 522.

The

The Thames was covered with boats and other veſſels, furniſhed with ordnance, and adorned with flags and ſtreamers ‡; nor was there wanting drums, trumpets, or any kind of martial muſic. When the reaſſembling of the parliament was ſignified to the multitude, the event was ſignalized by the ſound of trumpets, the beat of drums, the diſcharge of ordnance on the water, and muſquets on the land, intermixed with the loud ſhouts and congratulations of the people *; many of them, in deriſion, as they paſſed by Whitehall, crying, "What is become of the King and his cavaliers?" The houſe of Commons confirmed all the acts of their committee. A declaration which had been drawn up by their orders was agreed to and publiſhed: In this the Commons aſſert, that the ſealing up the chambers, ſtudies, and trunks of the accuſed members, by colour of the King's warrant, was both againſt the privileges of parliament and the common liberty of the ſubject; that the proceedings which followed were againſt the fundamental rights of the people: "Whereupon, ſays the declaration, we are neceſſitated to declare, that any per- Ann. 1641.

Declaration of the parliament.

‡ The committee, and with them the ſix accuſed members, came to Weſtminſter by water, at the head of the naval proceſſion. *Ruſhworth*, vol. IV. p. 484.

* Such was the ambition of the public to ſignalize themſelves upon this occaſion, that they lamented as a misfortune not to have part in the actions of this day's ſolemnity. The militia of Weſtminſter, fearing that the Commons did not put that confidence in them as they did in the city trained-bands, preſented a petition expreſſive of much affection to the houſe, and of great grief and diſtraction at being ſuſpected to be wanting in duty and reſpect. *Nalſon*, vol. II. p. 839.

ſon

Ann. 1641. ſon that ſhall arreſt Mr. Hollis, &c. or any other members of parliament, by colour of warrant iſſuing from the King only, is guilty of the breach of the liberties of the ſubject, the privileges of parliament, and a public enemy to the commonwealth; and that the arreſting the ſaid members, or any other member of parliament, by any warrant ſoever, without conſent of that houſe whereof ſuch a perſon is a member, is againſt, &c. &c. *"

* The declaration further ſets forth, That, upon ſeveral examinations, it did fully appear, that ſoldiers, Papiſts, and others, to the number of five hundred, armed with ſwords, piſtols, and other weapons, attended the King to the houſe of Commons; that they preſſed up to the door of the houſe, thruſt away the door-keepers, and placed themſelves between the door, and the ordinary attendants on his majeſty held up their ſwords and piſtols, and cried, "I am a good markſman, I can hit right I warrant you;" that they would not ſuffer the door to be ſhut, according to the cuſtom of parliament, and aſſaulted and diſarmed ſeveral of the attendants of the members; that ſome of them ſaid, "When comes the word?" and expreſſed diſcontent that the members for whom they came were not to be found; on being demanded, what they thought their company intended to have done? they anſwered, "Queſtionleſs, in the poſture we were ſet, if the word had been given, we ſhould have fallen upon the houſe of Commons, and have cut all their throats." On all this, ſays the declaration, we are of opinion, that it is ſufficiently proved, that the coming of the ſaid ſoldiers, Papiſts, and others, with his majeſty to the houſe of Commons on Tueſday laſt, being the fourth of this inſtant January, was to take away ſome of the members of the ſaid houſe; and if they ſhould have found oppoſition or denial, then to have fallen upon the ſaid houſe in an hoſtile manner: And we do hereby declare, that the ſame was a traitorous deſign againſt the King and parliament. And whereas the ſaid Mr. Hollis, &c. did, with the approbation of the houſe, abſent themſelves from its ſervice, to avoid the inconveniencies which otherwiſe apparently might have happened; ſince which time a printed paper, in form of a proclamation, bearing date the ſixth day of this inſtant

THE houſe of Lords began the buſineſs of the day with voting, that it was fit and neceſſary to have a

Ann. 1641. The parliament appoint themſelves a guard.

inſtant January, hath iſſued out, for the apprehending and impriſoning of them, therein ſuggeſting, that, through the conſcience of their guilt, they were not willing to ſubmit themſelves to juſtice; we do farther declare, that the ſaid printed paper is falſe, ſcandalous, and illegal; that, notwithſtanding the ſaid paper, or any warrant iſſued out, or any other matter yet appearing againſt them, they may and ought to attend the ſervice of the ſaid houſe of Commons, and the committees now on foot; and that it is lawful for all perſons whatſoever to lodge, harbour, or converſe with them; and whoſoever ſhall be queſtioned upon the ſame ſhall be under the protection and privilege of parliament. And we do farther declare, that the publiſhing of ſeveral articles, purporting a form of a charge of high-treaſon againſt the lord Kimbolton, &c. by Sir William Killigrew, Sir William Flemming, and others of the inns of court or elſewhere, in the King's name, is a high breach of the privilege of parliament, a great ſcandal to his majeſty and his government, a ſeditious act manifeſtly tending to the ſubverſion of the peace of the kingdom, and an injury and diſhonour to the ſaid members, there being no legal charge againſt them; that the privileges of parliament, and the liberties of the ſubject, ſo violated, cannot be ſufficiently vindicated, unleſs his majeſty would be graciouſly pleaſed to diſcover the names of thoſe perſons who adviſed his majeſty to iſſue out warrants for the ſealing the chambers and ſtudies of the ſaid members, &c." After affirming, that the houſe of Commons would not protect any of their members in any criminal act that ſhould be in due manner proſecuted according to the laws of the kingdom, and the rights and privileges of parliament, the declaration finiſhes with a threatening clauſe againſt evil counſellors, and thoſe who ſhould endeavour to maintain diviſion between the King and parliament. On this ſubject the Commons afterwards paſſed the following reſolutions: That all privy-counſellors and great officers of ſtate ſhould be removed for the preſent, except ſuch as had offices by inheritance; that the King ſhould be deſired to receive only ſuch to be counſellors and great officers of ſtate as ſhould be recommended to him by parliament; that ſuch counſellors and officers of ſtate, whoſe names ſhould be preſented by both houſes, ſhould not have acceſs to the perſons and courts of the King and queen. The perſons particularly excepted againſt at this time

Aug. 1641. ſtrong and ſufficient guard for the ſecurity of both houſes. On receiving, to their petition on this head, an anſwer, that the King would direct the lord-mayor to appoint two hundred men out of the trained-bands of the city, under the command of the earl of Lindſey, to wait on both houſes, they ordered Skippon, an officer who had ſerved long and with great reputation in the Dutch ſervice, a man univerſally eſteemed for the goodneſs of his morals, who had been appointed by the committee ſerjeant-major of the trained-bands, to attend with two companies, till he received directions to the contrary *. A petition from the county of Buckingham, offering aſſiſtance to defend the privileges of parliament, and praying that the Lords would co-operate with the houſe of Commons in perfecting the neceſſary work of reformation, bringing delinquents to puniſhment, ſpeedily relieving Ireland, and fortifying the privileges of parliament from future attempts, and putting the kingdom into a poſture of defence, this day preſented to the upper houſe, was brought up by four thouſand knights, gentlemen,

Clarendon's Hiſt. vol. I. p. 298.

Petition from the inhabitants of the county of Bucks.

time were, the lord Digby, William Murray (of the bed-chamber), Endymion Porter, William Crofts, and Sir John Wintour (ſecretary to the queen). *Parl. Hiſt.* vol. X. p. 298, *&c ſeq.*

* It was ordered in the Commons' houſe, That the ſheriffs of London and Middleſex for the time being ſhould iſſue out warrants to raiſe as many of the trained-bands as ſerjeant-major Skippon ſhould give orders for; that the ſame ſerjeant-major Skippon ſhould have power to act on the offenſive and defenſive, in caſe of violence, to beat up drum, and raiſe not only trained-bands, but volunteers; that he ſhould command theſe; and the chamber of London ſhould iſſue out ammunition of all ſorts in ſuch proportion as he ſhould direct. *Journals of the Commons*, vol. I. p. 382.

and

and freeholders, every one wearing a printed copy of the proteſtation in his hat. At the ſame time that they addreſſed the parliament, they petitioned the King, that Mr. Hampden and the reſt of the accuſed members might enjoy their juſt privileges. "They conceived, they ſaid, that the rights of parliament, to the maintenance of which they were bound by their proteſtation, were much injured by the treatment of theſe gentlemen, in whoſe foul accuſation the judgment of their electors was wounded *." Ann. 1641.

THE lord Kimbolton entreated the Lords not to permit him to lay under a charge which concerned his life, his eſtate, and his honor, but that they would command the attorney-general to proſecute the accuſation againſt him; he was ready to anſwer. On this requeſt, the attorney-general was commanded to declare what he knew concerning the proſecution. He, after having excuſed himſelf, on the expreſs command

* Mr. Hampden was knight of the ſhire for the county of Buckingham. The petitioners tendered their ſervice to the houſe of Commons, and prayed, that Popiſh lords, and biſhops, might be forthwith outed the houſe of Peers. The Commons gave them their particular thanks, aſſured them that they would ſpend their lives and fortunes in defence of the liberties of the ſubject: they were at preſent ſufficiently ſecured by the great care of the city; but if occaſion required their aſſiſtance, they ſhould have timely notice. The gentlemen and others of the county of Eſſex addreſſed the Lords in the ſame manner, and to the ſame purport, as the inhabitants of Buckinghamſhire. Petitions from the county of Devon, the county of Kent, Suffolk, and the city of Exon, were likewiſe delivered to both houſes. *Echard*, p. 522. *Nalſon*, vol. II. p. 840. *Journals of the Commons*, vol. II. p. 391, 420, 423.

Ann. 1641. of the King, for the part he had acted in this buſineſs, ſaid, "He did not yet know what courſe the King intended to take." The next day, the houſe received the following meſſage: "That his majeſty taking notice that ſome think it diſputable whether his proceedings had been legal, and agreeable to the privileges of parliament; and being very deſirous to give ſatisfaction to all men in all matters that may ſeem to have relation to privilege, is pleaſed to wave his former proceedings; and all doubts being by this means ſettled, when the minds of men are compoſed, he intends to proceed therein in an unqueſtionable way; and aſſures his parliament, that he will be as careful of their privileges as of his life and crown."

The parliament ſecure the town and garriſon of Hull.

THE attention of the Commons was engroſſed by a very important object. The arms and ammunition of the late army had been, by the King's command, laid up in the town of Hull: previous to the attempt of ſeizing the five members, he had ſent the earl of Newcaſtle, a man of great property and intereſt in the county (and who, in the ſtyle of the times, was an inveterate malignant *), down with a private commiſſion to be governor, and to draw into the town as many of the county, who were of the ſame ſtamp, as ſhould be neceſſary to guard the place. Captain Legge, who had been deep in the army plot, and was now under bail, was to have the charge of the town and the ammunition; and directions were given him

Parl. Hiſt. vol. X. p. 468.

* He was to have had the command of the army which was deſigned to be brought up to awe the parliament.

to

to draw in as many of the trained-bands as he could. This coming to the knowledge of the parliament, the lords who were bail for captain Legge were ordered to bring him in. The earl of Newcaſtle was ſent for by the Peers to attend his duty in the houſe; and matters being, as Clarendon ſays, not ripe enough for action, he was commanded by the King to obey the ſummons. The Commons took the alarm; and ſent to the Lords to inform them, that there was at Hull a magazine of the King's, with arms for ſixteen thouſand men, and proportionable ammunition; that no great ſtrength was in the town; and that the country about was full of Papiſts: therefore the Commons deſired their lordſhips would join with them in an order, that ſome companies of the trained-bands be immediately put into the town, under the command of Sir John Hotham *, who had the care of that place by patent from the King. The Lords immediately agreed to this requeſt, with the following addition: "That Sir John Hotham ſhall not deliver up the town of Hull, the magazine, or any part thereof, without the King's authority, ſignified to him by the Lords and Commons now aſſembled in parliament ‡.

Ann. 1641. Nalſon, vol. II. p. 856.

* The Commons had before ſhewn ſymptoms of jealouſy on this ſubject, and had made fruitleſs attempts to remove the ammunition at Hull to the Tower of London. *Nalſon*, vol. II. p. 447, 643.

‡ The ſheriffs of London were thanked by the houſe of Commons for the love the city had expreſſed to the parliament. The land and ſea-officers who conducted the committee to Weſtminſter, received the ſame compliment; and a reſolution paſſed both houſes, to juſtify all thoſe who were active in the guard and defence of the parliament, and

Ann. 1641. The parliament manifeſt ſymptoms of diſtruſt.

DISTRUST, jealouſy, and fear, equally poſſeſſed both houſes. Informations were continually given in of concealed arms, inſurrections, intended aſſaſſinations: one Francis Moor, an Italian, had overheard a diſcourſe in which the earls of Northumberland, Eſſex, Holland, Pembroke, and Leiceſter, were doomed to ſlaughter. A bill, that the Lords and Commons might adjourn themſelves reſpectively to any place, was brought up by Sir Philip Stapleton, read three times in the houſe of Lords the ſame day, and paſſed without contradiction *. A common terror effected a perfect conformity of action in both houſes. Information having been given, that ammunition and proviſion in great quantity had been carried out and into the Tower, the Lords joined with the requeſt of the Commons in paſſing an order, that a convenient guard, both by land and water, ſhould be put round it, under the command of major-general Skippon; and that the earl of Newport (maſter of the ordnance), the lieutenant of the Tower, and the under-officers, ſhould not ſuffer any ordnance or ammunition to be carried

to vindicate Skippon's accepting the office of ſerjeant-major-general of the forces of London. The proteſtation was again recommended to be univerſally taken; and it was ordered, that a ſufficient number of declarations ſhould be printed, and ſent down to the ſeveral counties. *Nalſon*, vol. II. p. 838. *Journals of the Commons*, vol. II. p. 389, 390.

* An order paſſed the lower houſe, that an additional lock ſhould be ſet upon the door under the ſtairs; that it ſhould be ſearched every morning; that it ſhould be referred to the committee appointed to ſearch about the houſes and places near the parliament-houſe, to take daily care that they be ſafe guarded, and kept ſecure. *Nalſon*, vol. II. p. 846.

out

out of it without the King's authority, ſignified by both houſes of parliament. Sir John Byron being ſent for on the occaſion of giving out arms and ammunition, on the fourth of January, refuſed to attend, on the excuſe that he had an order from the King not to ſtir out of the Tower: he was again commanded to come, on his peril *; the ſecond ſummons he obeyed: after having anſwered thoſe queſtions that were put to him, and kneeled at the bar of both houſes for his contempt to their firſt order, he was diſmiſſed without farther cenſure. Information was given, that the lord Digby, colonel Lunsford, and the other diſbanded officers, who had formed the King's guard during his reſidence at Whitehall, and had attended him in his expedition againſt the parliament, to the number of two hundred horſe, had appeared in warlike array at Kingſton in Surry, where the magazine of arms for the county lay; that two cart-loads of ammunition were going to them, and the whole convoy was ſuppoſed to be bound for Portſmouth †. On this it was ordered, that the ſheriffs, Ann. 1641.

* The Lords aſſerted on this occaſion, that the King's command was always ſuppoſed to be implied in an order of their houſe. *Parl. Hiſt.* vol. X. p. 201.

† Some great ſaddles, which were going at the ſame time to Kingſton, were ſeized by order of the Commons. Mr. Bagſhaw, member of the lower houſe, gave information, that, the preceding night, he ſaw at Windſor, where the court then was, troops of horſe to the number of four hundred; that there came a waggon loaded with ammunition thither; and that a meſſenger, with another waggon of the ſame loading, went from thence to Portſmouth. On this, an order paſſed both houſes, that ſerjeant-major Skippon ſhould appoint ten horſemen to be employed as ſcouts, to give intelligence if any forces did approach

Ann. 1641. calling to their aſſiſtance the trained-bands of the ſeveral counties of England and Wales, ſhould ſuppreſs all unlawful aſſemblies gathered together for the diſturbance of the peace of the kingdom; and that they take care to ſecure their counties and magazines. Orders were given, that the trained-bands of Suſſex and Hampſhire ſhould be ſent to ſuppreſs lord Digby's party, and to prevent the carrying of arms and ammunition to Portſmouth. The ſame injunctions were given to colonel Goring, governor of this town, as had been given to Sir John Hotham; viz. That he ſhould not deliver up the town, or receive any forces into it, but by his majeſty's authority, ſignified by both houſes of parliament. The Lords ſent an expreſs order to lord Digby to give his attendance on the houſe; but he, knowing that the parliament had received intimation that he had been deeply concerned in the late attack on their privileges, thought it prudent to fly the kingdom.

The Scotch commiſſioners intereſt themſelves in the quarrel between the King and parliament.

THE Scots, conſidering the King's proſecution of the ſix members as an attempt to invalidate the articles of peace, took the alarm. Their commiſſioners intereſted themſelves ſo far in the quarrel between the King and his Engliſh parliament as to ſend him a petition, in which they offered their endeavours for the compoſing of differences of both kingdoms. They ſaid, they were bound to maintain the peace and li-

proach the city; and alſo to appoint boats and ſmall veſſels to be upon the river for the like ſervice. *Ruſhworth*, vol. IV. p. 496, *& ſeq. Nalſon*, vol. II. p. 859. *Journals of the Commons*. vol. II. p. 380.

berties

berties of each other, as the assured means of the safety and preservation of their own; that they, his majesty's commissioners of the kingdom of Scotland, found themselves warranted and obliged to labour to keep a right understanding between him and his people, to confirm the brotherly affection between the two nations, and to advance the unity by all such ways as should promote the glory of God and the peace of the church. They were sorry and grieved to behold the distractions which encreased daily between him and his people; distractions which, they conceived, were entertained by the wicked plots and practices of Papists, prelates, and their adherents, whose aim had been not only to prevent all farther reformation, but to subvert the purity and truth of religion in all his kingdoms. They beseeched him to have recourse to the sound and faithful advice of the honourable houses of parliament, and to repose thereupon as the only assured and happy means to establish the prosperity and quiet of England, and prevent those apprehensions of fear which might possess the subjects of his other kingdoms, if they should conceive the authority of parliament, and the rights and liberties of his subjects, called in question. An offer of mediation, expressed in the like terms, were sent by the Scotch commissioners to both houses of parliament, with a copy of the petition they had sent the King. The parliament gave them thanks for the advice they had given; and assured them, they were much satisfied with the large testimony of fidelity they had shewn his majesty, and affection to the state. Ann. 1641.

Ann. 1641. ſtate *. The freedom of this unexpected expoſtulation filled Charles with the utmoſt indignation: he ſent a meſſage of reproof to the commiſſioners, and a letter of complaint to the earl of Lanerick, his ſecretary for Scotland. He deſired him to remember the expreſſions which the Scots uſed to him when he was among them: that they would hazard life and fortune for the maintenance of his temporal power; and even in matters eccleſiaſtical, though they wiſhed uniformity, they would not intereſt themſelves farther than ſhould be with his knowledge and good liking: he did conceive, the commiſſion granted by him in parliament was for finiſhing the remainder of the treaty, ſettling trade and commerce, and keeping a right underſtanding between the two nations, not between him and his parliament: it is true, they were to receive their inſtructions from the council; but he thought thoſe inſtructions were to have been limited to theſe generals, which could never reach to this particular, but in ſo far as he ſhould know and approve; which he conceived to be the only means to preſerve the happy underſtanding now eſtabliſhed between him and his native kingdom. He deſired a duplicate of all the inſtructions which had been given, or ſhould hereafter be given, to the commiſſioners; and, in caſe there ſhould ariſe any diſpute between

* It was ordered by the Commons' houſe, that the citizens who ſerved for the city of London ſhould take care that the Scotch commiſſioners paid nothing for their houſe-rent and furniture; the houſe would take care to ſee it ſatisfied. *Journals of the Commons*, vol. II. p. 384.

him

him and his parliament about the nomination of officers, he desired the Scots to remember on what grounds he was induced to yield in this particular to his subjects of Scotland; viz. his necessary absence from that his native kingdom: and that they often did promise him, in private, when occasion should offer, to declare that England ought not to urge it as a precedent for them *. Ann. 1641.

The steps hitherto taken by the parliament, were but preparatory to the putting themselves into that state of defence, which every measure of the King, since the accusation of the six members, rendered necessary. The Commons called for the bill for settling the militia, which had lain long in their house: it now passed without opposition, with the following addition; "That all the forts, castles, and garrisons of the kingdom should be put into such hands as the parliament could confide in." A declaration, in the name of both houses, for putting the kingdom into a posture of defence passing the Commons, was published; though it was not agreed to by the Lords †. Nalson, vol. II. p. 850, & seq.

* In the postscript to this letter, the King tells the secretary, that he had ordered the bearer to inform him some things he did not think fit to write. The contents of this letter explains clearly the motives of the King's concessions to the Scots. It shews him, at the same time, a great dupe to his schemes of deceiving. The Scots could never secure the privileges they had obtained, either civil or ecclesiastical, but by the reducing the King's authority in England to the same standard to which it had been reduced in Scotland.

† It set forth, that the Papists and others ill-affected, by many wicked and traitorous designs, which had been enumerated in a remonstrance of the state of the kingdom, having plotted the confusion

Ann. 1641. THE Commons, who had before moved the Lords to join with them in means for the removal of Sir

of the ſtate and government, and to bring this kingdom into the like miſerable condition with that of Ireland; to the end they might effect their purpoſe for the utter deſtruction of the reformed religion; had and did continue to raiſe diſtractions by high breaches of parliament; ſuch as reſorting in numbers to the very doors of the houſe, intending, as by divers examinations clearly appeared, to fall upon the members; whereby the parliament might have been involved in blood and confuſion, the relief of the Iriſh Proteſtants prevented, and an evident and ſpeedy way opened to the ruin of religion and the kingdom: That they ſtill perſiſted in their wicked and traitorous courſes, confederating themſelves with ſtrangers, inſtigating foreign princes to join their counſels, had made great preparation of arms, ammunition, and victuals; and had enrolled themſelves, under the command of perſons fit for the execution of their wicked deſigns: That they had prevailed ſo far as to have the Tower of London, and other places of eminent ſtrength, put into the hands of ſuch perſons as the parliament had juſt cauſe to ſuſpect would adhere to them. This the Lords and Commons, as watchmen truſted for the welfare of the King, church, and ſtate, and labouring by all fit means to prevent ſuch threatening dangers to the King's perſon, the religion, lives, liberties, and fortunes of his people, did think good to advertiſe to his majeſty's ſubjects of the reformed Proteſtant religion; declaring, that they think it adviſeable that, with all expedition, they put themſelves in a poſture of defence, to provide fit arms and ammunition; and to be ready, on all occaſions, to defend their ſeveral counties from domeſtic inſurrections, or foreign invaſions: And that the ſheriffs, juſtices of the peace, mayors, and head-officers, within their ſeveral liberties, did take care that their magazines of powder, arms, and other ammunition, be completely furniſhed; and that they cauſe ſtrong guards and watches to be ſet in convenient places, to ſecure themſelves; and for the apprehending ſuch perſons as they ſhall have juſt cauſe to ſuſpect; and if, upon examination, any grounds of danger ſhall appear, to give notice to the parliament; and that all officers do take care that no ſoldiers, arms, or ammunition, be raiſed or levied, nor any caſtles, forts, or magazines delivered up, without his majeſty's authority, ſignified by both houſes of parliament.

John

John Byron, renewed their requeſt, alleging Sir John Byron's diſobedience to the ſummons of both houſes as a ſufficient ground for diſtruſt: That the great diſcontent of the city, on his being continued in that important poſt, produced ill effects; the merchants began to draw their bullion out of the mint, and had written to their factors to ſend no more. The demand of the Commons was ſeconded by a petition from ſeveral merchants and goldſmiths: But, on the queſtion being put, whether the Lords ſhould join with the lower houſe in a petition for the removal of Sir John Byron, it was carried in the negative *. Ann. 1641.

The King not giving his conſent to the bill for the parliament's adjourning itſelf to the place they ſhould judge moſt convenient, a committee of Lords and Commons were appointed to meet at Grocers-hall in London, to conſider of the ſafety of the kingdom, the privilege of parliament, the affairs of Ireland, and concerning ſettling the preſent diſtempers. Serjeant-major Skippon and the train-bands were appointed to guard the committee, and both houſes adjourned to January the twenty-fourth †. Jan. 20.

* Againſt this negative the following peers entered their proteſt: Earls of Northumberland, Bedford, Pembroke, Leiceſter, Saram, Warwick, Holland, Bolinbroke, Stamford, viſcount Say and Seal, Lords Wharton, Paget, North, Honſdon, Willoughby de Parham, Spencer, St. John, Brooke, Robert, Grey de Werk, Newnham, Howard de Eſrick. *Parl. Hiſt.* vol. X. p. 218.

† The King having again ſent to the earls of Eſſex and Holland to attend him, they acquainted the Houſe of Lords with the command, and deſired to know their pleaſure: It was reſolved, that their abſence could not be diſpenſed with, in reſpect of the urgent affairs then depending

Ann. 1641. WHILST the ſons of Liberty were thus triumphing in the capital, the King continued, for ſome time, in a dejected condition at Windſor, fallen from a height of dreaded greatneſs to a ſtate which excited the pity of his friends and contempt of his enemies; his creatures and partizans, who before the laſt fatal meaſure had begun to triumph over oppoſition, hardly daring to avow the attachment they ſtill retained for his fortunes. Overwhelmed with grief and ſhame, he lamented the precipitation of his conduct, till rouſed from this ſtate of remorſe, by the activity of the Queen's intriguing ſpirit, he entered into new counſels, to recover his power, and to revenge himſelf on his enemies. It was at firſt reſolved, that the Queen ſhould ſecure Portſmouth *; and that the King ſhould take poſſeſſion of the town of Hull; but, on the Queen's receiving intimation that the houſes intended to impeach her of treaſon, it was concluded that, under the pretence of conducting her daughter, the princeſs Mary, to her huſband, ſhe ſhould herſelf negotiate the preparatory buſineſs to raiſing an army; viz. to pawn her own jewels, and the jewels of the crown, for arms and money; and ſolicit the aſſiſtance of her ſon-in-law the prince of Orange, and other

Orleans, p. 53.

pending. On this the two earls ſent a meſſage to the King, that, in obedience to his writ, they were obliged to aſſiſt in parliament: and their attendance there, about the high affairs of the realm, was truer ſervice to his majeſty, than any they could do him at Hampton-Court. *Parl. Hiſt.* vol. X. p. 214.

* Clarendon tells us, that Goring, the governor of Portſmouth, had found means to make good impreſſions again in their majeſties of his fidelity.

foreign

foreign ſtates: That the King ſhould retire to the North, there aſſemble his friends and adherents, raiſe levies, and ſecure Hull, with the magazine; that town affording a good harbour to receive auxiliaries from abroad; and that, in caſe of diſappointment, he ſhould go to Ireland: That the King ſhould proceed ſlowly, to allow time for negociation; and, if poſſible, to bring back the parliament to a ſenſe of their duty, by gentler methods than force of arms: That, whilſt the neceſſary preparations were making, he ſhould endeavour to temporiſe *. Purſuant to this plan, a meſſage, containing the following propoſition, was ſent to the Lords; "That they would, with all ſpeed, fall into ſerious conſideration of all thoſe particulars, which they ſhould hold neceſſary, as well for the upholding and maintaining his majeſty's juſt and regal authority, and for the ſettling his revenue, as for the preſent and future eſtabliſhment of their privileges, the free and quiet enjoying their eſtates and fortunes, the liberties of their perſons, the ſecurity of the true religion now profeſſed in the church of England, and the ſettling of ceremonies in ſuch a manner as ſhould take away all juſt offence. Which when they had digeſted and compoſed into one entire body, that ſo his majeſty and themſelves might be able to make the more clear judgment of them, it ſhould then appear, by what his majeſty ſhould do, how far he had been from intending and deſigning any of thoſe things, which the too great fears and jea- Ann. 1641.

* Clarendon, in his Life, ſays, That this concert made with the Queen ſhut out all oppoſite conſultation. *Claren. Life*, vol. I. p. 112.

Ann. 1641. louſies of ſome perſons apprehended; and how ready he would be to exceed the greateſt examples of the moſt indulgent princes in their acts of grace and favour to their people."

THOUGH there is ſomething in the ſtyle of this meſſage princely to a ridiculous degree, conſidering the low ſtate into which the King, by his imprudence, was fallen, yet the Lords received it with tranſport; and, after having communicated it to the Commons, with the following preface, That they had received a meſſage from his majeſty which filled their hearts full of joy and comfort, they ſent their moſt humble thanks to the King for his propoſition, expreſſive of much grace and favour to his ſubjects; which they ſhould take into ſuch ſpeedy and ſerious conſideration, as its importance did require. The concurrence of the Commons was deſired to this meſſage of thanks: But, inſtead of an anſwer, a conference was demanded by that houſe, concerning the ſecurity of the town of Hull*.

THE Commons, more wary than the Lords, immediately fathomed the depth of the King's policy:

* When the order of the parliament came down for the delivering up of Hull, and its magazines, to Sir John Hotham, the mayor ſcrupled to obey, on account of the King's letter in favour of the earl of Newcaſtle. The mayor was ſummoned to attend; and, ſubmitting himſelf to the directions of parliament, Sir John Hotham was put into poſſeſſion of the command of Hull. When the parliament acquainted the King with their orders concerning Hull, he returned anſwer, "That he had formerly conſidered the ſubject of their fears, and had already taken ſpecial care for the ſecurity of that place."

That

That he wanted to find the parliament an employment of ſuch conſequence as ſhould engroſs their whole attention, whilſt he was making preparations to enable him to vindicate his own terms: That he wanted to diſcover and expoſe the utmoſt views of the party: That he wanted to make the people believe he was willing to conſent to whatever ſhould be productive of a perfect reconciliation between him and his parliament; at the ſame time that the general expreſſion of the propoſition bound him to no particular obligation, and left him always maſter of the terms of accommodation. The Commons propoſed to the Peers the following addition to their anſwer, viz. "That his majeſty would be pleaſed to put the Tower of London, with all the ports and militia of the kingdom, into ſuch hands as the parliament could confide in." The Lords denying their aſſent to this addition, thirty-two peers proteſted *: and the Commons ſent up a petition in their own name †. Ann. 1641.

No leſs cautious and determined was their conduct in the buſineſs of their violated privileges, and

* Earls of Eſſex, Warwick, Pembroke, Holland, Stamford, Bedford, Leiceſter, Clare, Lincoln, Sarum, Bolinbroke, Peterborough, Thanet, Nottingham; viſcounts Say and Seal, Conway: Lords Paget, Kimbolton, Brooke, Roberts, North, Wharton, St. John, Spencer, Newnham, Willoughby, Bruce, Dacres, Howard de Eſrick, Grey de Werk, Chandois, Hunſdon. *Parl. Hiſt.* vol. X. p. 233.

† In this petition was inſerted, That the Peers having refuſed to join with them, they notwithſtanding, no way diſcouraged, but confiding in his majeſty's goodneſs, did humbly beſeech him, &c.

the

Ann. 1641. the profecution of the fix members. At the requeſt of the parties, the parliament petitioned the King to declare what proofs there was againſt them, that they might be ſpeedily proceeded againſt in a parliamentary way. The King's anſwer was artful. He deſired the parliament to reſolve, whether he was bound, in reſpect of privilege, to proceed againſt the members by impeachment in parliament; or whether he was at liberty to prefer an indictment at common-law; or to have his choice of either? Thus did he evade the diſcovering to the public the principles on which he founded his charge of treaſon; and endeavoured to bring the Commons into the difficulty either of refuſing what carried the appearance of juſtice and moderation, or to give up a point of Liberty, in ſubmitting to be tried by the Lords; or to truſt an indictment at law, where the rational part of their plea would be over-ruled, viz. That it was the King's miniſters had committed treaſon, in endeavouring the ſubverſion of the conſtitution; in changing, by a tyrannical adminiſtration, the government into an abſolute monarchy; and ſubjecting the liberties and properties of the ſubject to arbitrary will and pleaſure: That to raiſe forces, and oppoſe the miniſters of arbitrary power, was not levying war againſt the conſtitutional ſovereign; and conſequently not againſt the political character of the King *. The

* It was declared lawful, by the ſtatutes of the eleventh of Richard II. and the firſt of Henry IV. cap. 4. to raiſe forces to oppoſe the miniſters of arbitrary power. Theſe ſtatutes were enacted within thirty-four years after the ſtatute of 25 Ed. III.

Com-

Commons took no other notice of this requeſt, than Ann. 1641.
aſſerting, that it was the undoubted right and privilege of parliament, that none of its members could be proceeded againſt without the conſent of parliament; and again ſolicited the King, that they might be called to a legal trial *. The King then offered a pardon; but the Commons were ſo far from acknowledging this as an act of grace, that they ſent up a bill to the Lords, for clearing and vindicating the ſix members from a feigned charge of high-treaſon †. Sir Edward Herbert, the attorney-general, in his examination at the bar of the houſe of Lords, having declared that he could not undertake to make one tittle good of the articles with which he had charged them, otherwiſe than his maſter ſhould command and enable him ‡; they impeached him of high crimes and miſdemeanours, for having, contrary to his oath, and the duty of his place, falſely, ſcandalouſly, and maliciouſly, adviſed and framed certain articles of high-treaſon againſt the lord Kimbolton, &c. "That the ſaid doings of his were high breaches of the privileges of parliament, tending to ſedition,

The Commons impeach the King's attorney.

* They aſſerted, that it was neceſſary for them to ſee the evidence and proof of their guilt, before they could give directions for the manner of the proſecution and proceedings againſt them.

† This bill paſſed the Lords' houſe. *Parl. Hiſt.* vol. X. p. 330.

‡ On ſerjeant Wild's aſking him, in the name of the houſe of Commons, whether he had any proof or teſtimony, or information of proof of the articles, he deſired to be excuſed giving a preſent anſwer. *Ruſhworth*, vol. IV. p. 489.

Ann. 1641. The Lords pass sentence on the King's attorney.

&c.*" The Lords passed the following sentence on him: "That he should be disabled, and made incapable of being a member, assistant, or pleader, in either house of parliament; and of all offices, saving that of attorney-general: That he should be committed to the Fleet, during the pleasure of the house †." The

* On the commencement of this prosecution the King sent a letter to vindicate the conduct of his attorney, who had acted, he said, in obedience to his commands; a duty to which he was bound by his oath, and the trust he had reposed in him; and, had he refused obedience, he would have questioned him for the breach of his oath, duty, and place: but now that he had wholly desisted from further proceedings against the accused, he had commanded his attorney to drop the prosecution, nor to produce or discover any proofs concerning it. This letter was highly resented by the Lords, as a prelimiting their judgment. They refused to take it into consideration till they had determined the business against the attorney. A message was sent to the Commons to inform them of the letter; and that they were ready to proceed, if they would send a committee to manage the evidence. It was argued by serjeant Wild, one of the committee appointed for this purpose, That the attorney-general pleading the King's command added to his offence; since he could not but know that the King's command, in things illegal, was utterly frustrate, and of no effect; if against the crown, in matter of interest, they were merely void, *quod in deceptione regis*; if against the public weal, they were *ipso jure vacua*; much more in matters criminal, because no action lies against him: That the attorney-general had acted contrary to his oath; for he was sworn to the King, to issue out his writs duly and truly, and give him true advice according to law. It is a circumstance worth notice, that Sir Edward Herbert, in his defence on the point concerning the privilege of parliament, cited but three precedents, to justify the legality of his accusation; two of them were of Charles's administration, cases of the earls of Arundel and Bristol; and the other in the administration of Richard II. *Parl. Hist.* vol. X. p. 347, *& seq.*

† Clarendon is guilty of two false misrepresentations, in the recital of this business; first, he alledges that the Commons, finding that the Lords

King, in general terms, offered the parliament a reaſonable reparation of their privileges; but they inſiſted that the King ſhould diſcover his adviſers in that illegal meaſure, as a neceſſary part of a reaſonable reparation *. Petitions from the city of London, Middleſex, Eſſex, and Hertfordſhire, being preſented to the Ann. 1641.

Lords had aſſigned counſel for the defence of the attorney-general, threatened thoſe that ſhould preſume to undertake the taſk, in a manner that terrified the counſel into a poſitive refuſal to meddle farther in the buſineſs; that the Lords impriſoned Sir Thomas Bedingfield and Sir Thomas Gardiner, for their contempt, in refuſing to be of counſel for the attorney on their aſſignment: Secondly, That the negative prevailing in every queſtion that was put concerning the inflicting a penalty for the attorney's offence, the Commons expreſſed ſuch reſentment on the occaſion, that the Lords, contrary to the rules and practice of parliament, proceeded to a new judgment. In the firſt caſe, Sir Thomas Bedingfield and Sir Thomas Gardiner made no other excuſe for not pleading, but that the Lords had not given them time enough to prepare, when the contradictory commands of the two houſes would have been a very undeniable one; and that Mr. Hearne and Mr. Chute did actually plead for the attorney as to matter of fact. In the ſecond caſe, on the firſt queſtion that was put, viz. Whether, upon the whole matter, Mr. Attorney had committed a crime for which he ought to be ſentenced by that houſe, the Lords reſolved in the affirmative; which certainly left the matter open for the ſentence that was afterwards pronounced againſt him. *Parl. Hiſt.* vol. X. p. 353, *& ſeq.* *Claren. Hiſt.* vol. I. p. 379, *& ſeq.*

* This demand of the Commons is founded on the ſtatutes of the 37th and 38th of Edward III. which ordains, "That if any perſon make ſuggeſtion to the King of any crime committed by another, he is to be ſent with his ſuggeſtion to the chancellor, or keeper of the great ſeal, the treaſurer, or the great council, there to find ſurety to purſue his ſuggeſtion: which, if he cannot prove, he is to be impriſoned till he hath ſatisfied the party, and made fine and ranſom to the King. *Statutes at Large*, vol. IV. p. 492.

Ann. 1641. Commons, they appointed Mr. Pym to communicate them in a conference to the Lords.

Mr. Pym's ſpeech to the Lords, on the ſtate of public affairs.

His ſpeech on the occaſion is, perhaps, one of the moſt artful performances of this perſuaſive orator; who, at the ſame time that he convinced the underſtanding, knew how to work effectually on the paſſions of his auditors. "In theſe petitions *, my

* The petition from the city of London was in anſwer to the demand of the loan of 100,000 l. It mentioned twelve objections to the complying with the requeſt. Among theſe were the non-payment of ſeveral great ſums of money owed to them by debtors in Ireland: the brotherly offers of Scotland to ſend 10,000 men into Ireland not yet accepted: the not paſſing the bill for preſſing ſoldiers, which put men in fear that there was a deſign to loſe that kingdom and conſume this; ſeeing that it could not be conceived the rebels would be ſuppreſſed by volunteers: the ſlow iſſuing commiſſions to thoſe, who being in Ireland, or going thither, were willing to enter the field againſt the rebels; ſo that all the forces that had been or might be ſent thither were exhauſted to maintain forces that did little or nothing worthy of them, by means whereof the number and power of the rebels were greatly increaſed; divers caſtles and towns taken; much Proteſtant blood daily ſpilt; the malignant party here encouraged, and thoſe rebels ſo much emboldened, that they boaſt they will extirpate the Engliſh nation there, and then make England the ſeat of war: the not diſarming of Papiſts here in England: the great decays of fortifications, &c. the not placing them in hands in whom the parliament can confide: the not ſetting the kingdom in a poſture of defence; the not removing the preſent lieutenant of the Tower, and putting into his place one well approved of by parliament: the King's ſhips, which ought to be a wall of defence to the kingdom, not fitted and employed as the preſent condition of this kingdom and Ireland requires, but ſome of them for the conveying away delinquents, to the great encouragement of the reſt of the malignant party, who, when detected, know how to eſcape juſtice through the abuſe of royal conduct: the miſunderſtanding between the King and parliament: the not vindicating

lords, ſaid he, you may hear the voice, or rather the cry of all England; and you cannot wonder if the Ann. 1641.

ing the privileges of parliament: the not ſuppreſſing proteſtions: the not puniſhing delinquents: the not executing prieſts and Jeſuits, legally condemned; whilſt others, contrary to the privilege of parliament, had been illegally charged with treaſon. Theſe evils, the petitioners ſaid, had ſprung from the employing ill-affected perſons in places of truſt and honour in the ſtate; and were continued by the votes of biſhops and popiſh lords in the houſe of Peers. They humbly begged leave to proteſt, before God and the high court of parliament, that if any farther miſchief befel their dear brethren of Ireland; or if any miſchief broke in upon this kingdom, it ought not to be imputed to the petitioners, but to ſuch as ſhould endeavour to hinder the effectual cure of the evils before recited, that diſabled the petitioners from doing that which was deſired by the honourable the houſe of Commons.

The petition from the county of Eſſex expreſſed a fear, that there was an entire ſtop of reformation in matters of religion: that the whole kingdom was in danger from Papiſts, and other ill-affected perſons, who were every where very inſolent, and ready to act the part of thoſe ſavage blood-ſuckers in Ireland.

The inhabitants of the county of Hertford expreſſed their thanks for the great benefits they had received from the parliament, and their indignation againſt that malignant party who endeavoured to prevent a thorough reformation in church and ſtate, and eſpecially the relief of Ireland; who attempted to render the houſe of Commons not only contemptible but burthenſome to the people. The petitioners expreſſed their high eſteem of that aſſembly, and acknowledged the perfecting their endeavours to be ſo neceſſary to the peace and welfare of the kingdom, that without it there would not only be a return of former calamities, but utter ruin and deſolation. They declared their readineſs and engagement, according to their proteſtation, to defend, to the utmoſt peril of their lives, the King and the high court of parliament, with all its power and privileges, againſt popiſh and other malignant oppoſers. All the petitions prayed that Papiſts might be fully diſarmed, and the laws againſt them executed, the kingdom put into a poſture of war, and its forts put into ſuch hands as the parliament could confide in, the privileges of that aſſembly vindicated, Ireland ſpeedily relieved, the farther puniſhment of delinquents, the farther

Ann. 1641. urgency, the extremity of our condition, produce ſome earneſtneſs and vehemency of expreſſion more than ordinary; the agony, terror, and perplexity, in which the kingdom labours is univerſal. All parts are affected with it." After aſſerting, that the eminent dangers which threatened the kingdom aroſe from the evil counſellors about the King, and from the Papiſts and ill-affected, both in England and Ireland, ſupported by the miniſters of neighbour princes *, he ſhewed that the apprehenſions and terrors of the public proceeded from the obſtruction of reformation in matters of religion; the obſtruction in trade; the obſtruction in the relief of Ireland; the obſtruction in proſecution of delinquents; a general obſtruction and interruption of the proceedings of parliament by deſigns of violence; breaches of privilege, and the ſubtle endeavours to raiſe parties in the lower houſe; and jealouſies between the two houſes. The obſtruction in providing for the defence of the kingdom;

ther reforming the church and Common-wealth, and the taking away the votes of popiſh lords and biſhops.

In the petition from the city of London, the petitioners complain, that withholding from them the ſum of 50,000l. which the parliament had borrowed, was a great hinderance to trade. If this was the caſe, the preſent national debt muſt act very powerfully in that particular. *Ruſhworth*, vol. IV. p. 504, *& ſeq.*

* Mr. Pym told the Lords, that the rebels had received a ſupply of two convoys of ammunition and arms, the one from Dunkirk, and the other from Nants in Brittany; that the ſoldiers levied for the ſervice of Spain were joined to the Iriſh rebels; and that the Iriſh friars, employed by the Spaniſh ambaſſador for making theſe levies, were known to have been the chief incendiaries of the rebellion, and were ſtill active in the proſecution and encouragement of it.

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the evil influence about the King, Mr. Pym ſaid, had been the cauſe of the preparation of the war with Scotland, the procuring a rebellion in Ireland, corrupting religion, ſuppreſſing the liberty of the kingdom, and of many horrid attempts to the ſubverting the very being of parliaments. He ſhewed that the Commons had done every thing in their power to remedy the grievances of the kingdom, and avert the dangers that threatened it; and concluded his ſpeech with addreſſing the Lords in the following manner: "I have nothing to propound to your lordſhips, by way of requeſt or deſire, from the houſe of Commons. I doubt not but your judgments will tell you what is to be done; your conſciences, your honours, your intereſts, will call upon you for the doing it. The Commons will be glad to have your concurrence and help, in ſaving the kingdom; but if they fail of it, it will not diſcourage them in doing their duty. They would be ſorry that the ſtory of the preſent parliament ſhould tell poſterity, that in ſo great a danger and extremity, the houſe of Commons ſhould be enforced to ſave the kingdom alone; and that the houſe of Peers ſhould have no part of the honour of the preſervation of it. My lords, Conſider what the preſent neceſſities and dangers of the Common-wealth require; what the Commons have reaſon to expect; to what endeavours and counſels, the concurrent deſires of all the people do invite you; ſo that applying yourſelves to the preſervation of the King and kingdom, I may be bold to aſſure you, in the name of all the Commons of England, that you ſhall be bravely ſe- Ann. 1641.

Ann. 1641. conded *." Mr. Pym received the thanks of the houſe of Commons for having ſo well performed the ſervice they had employed him in; His ſpeech was ordered

* Mr. Pym affirmed, in this ſpeech, that ſince the ſtop upon the ports againſt all Iriſh Papiſts by both houſes, many of the chief commanders now at the head of the rebels had been ſuffered to paſs by his majeſty's immediate warrant. The King ſent to the Commons to vindicate his character from this aſſertion: the Commons not only juſtified Mr. Pym, but declared that what he had affirmed was agreeable to the ſenſe of the whole houſe, naming the different advertiſements they had received concerning ſeveral Iriſh Papiſts which had paſſed by ſuch warrants, and had ſince joined the rebels: to the King's profeſſions that he had uſed an extreme caution in this article, they made the following ſhrewd return: "Your majeſty's moſt faithful ſubjects are very ſorry that the extreme caution your majeſty hath uſed hath been ſo ill-ſeconded with the diligence and faithfulneſs of your miniſters, and that your royal authority ſhould be ſo highly abuſed, although, as it was expreſſed by Mr. Pym, we believed it was by the procurement of ſome evil inſtruments too near your royal perſon, without your majeſty's knowledge and intention; and we beſeech your majeſty to take ſuch courſe, that not only your honour may be vindicated for the time paſt, but your kingdom may be ſecured from like miſchief for the time to come." Several replies and anſwers followed on both ſides; the King attempted to juſtify himſelf on theſe frivolous grounds, That he had no intimation of the order of reſtraint of both houſes, and denied that thoſe to whom he had granted ſuch licence were in the rebellion. This was very ſophiſtical, ſince the Commons had affirmed, that the immediate warrants he had granted to particular perſons, gave free paſſage to themſelves and company, without any qualifications of perſons, or limitation of number; and that, by virtue of this licence, ſeveral perſons, who had ſince obtained command among the rebels, had paſſed.

One of the particular perſons to whom the King had given ſuch general licences, was captain Butler, whoſe brother was general of the rebels in Munſter; and another was lord Delvin, whoſe father was an inveterate rebel. *Ruſhworth*, vol. IV. p. 511, *& ſeq.*

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to be printed; and, on the report of this conference, in which he had ſo great a part, a motion was made in the upper houſe for joining with the Commons, in petitioning the King to put the forts and militia of the kingdom into ſafe hands. This occaſioning a long debate, the houſe, having reſolved themſelves into a committee, ſome lords deſired to adjourn. The duke of Richmond *, with much petulance replied, "Let us put the queſtion, whether we ſhall adjourn for ſix months?" The extreme inſignificancy of this lord's character had hitherto ſaved him from cenſure; but the peeviſhneſs and impatience with which he uttered theſe words, offended the popular party ſo much, that it was warmly excepted againſt. On the queſtion being put, That the houſe ſhould be ſatisfied with the duke's making an humble ſubmiſſion and acknowledgment, that he had offended in ſpeaking inconſiderately and unadviſedly; and that he had no intention to have the houſe adjourned? it was reſolved in the affirmative; but was proteſted againſt by twenty-four lords, as a puniſhment not adequate to the offence ‡. Ann. 1641.

* Duke of Lenox, in Scotland, lately created an Engliſh duke: his ſiſters were Papiſts, himſelf had ſpent ſome time in Spain, and had been complimented with being created a grandee of that catholic country. *Clarendon.*

‡ Northumberland, Bedford, Eſſex, Pembroke, Suffolk, Lincoln, Leiceſter, Warwick, Holland, Bolinbroke, Stamford, Conway, Wharton, Paget, Hunſdon, Chandois, St. John, Spencer, Kimbolton, Brook, Grey de Werk, Roberts, Howard de Eſrick, Willoughby de Parham. *Parl. Hiſt.* vol. X. p. 252.

Ann. 1641.

SOME few days after the Commons ſent up an accuſation againſt the duke of Richmond, on the three following articles: That he had written to the mayor and jurats of the town of Hithe, to chuſe one captain Winberry for their member: That, whilſt the affair of Mr. Piercy and Mr. Jermyn were before the houſe of Commons, the duke's ſteward came to Mr. Peard, a member of that aſſembly; and deſired him, in his maſter's name, not to preſs the matter concerning thoſe gentlemen, ſaying, that his forbearance would be an acceptable ſervice, and would do him good: That, by the copy of a record then in the lower houſe, it did appear that the duke of Richmond did, on the twenty-ſixth of January inſtant, deſire that the queſtion might be put for the adjourning the houſe of Lords for ſix months: Upon the whole, the Commons had paſſed a vote, That they had ſufficient cauſe to accuſe the duke of Richmond, as one of the malignant party, and an evil counſellor to the King, for theſe reaſons: That he endeavoured to have ſuch members choſen as he ſhould name *: That he endeavoured to corrupt the members of the houſe, after they were elected, in matters of the higheſt nature: That his motion of adjournment, had it been effected, would certainly have been the loſs of Ireland, and hazarded the ruin of England. The Commons de-

* The interpoſal of peers in the election of commoners had been, by ſeveral reſolutions of the lower houſe, declared a breach of privilege; and continues, ſays Mr. Hume, to be condemned by the votes of the Commons, and univerſally practiſed throughout the nation. *Hume*, vol. I. p. 312.

ſired

fired the Lords to join with them in petitioning the King, that the duke of Richmond might not have acceſs to the perſons or courts of the King and queen; and that he might be removed from all offices and places of public truſt. The queſtion, whether the Lords ſhould join with the Commons in their petition againſt the duke, paſſing in the negative, twenty-three lords entered their diſſent *. Ann. 1641.

THE upper houſe not having determined the important queſtion, Whether they ſhould join with the Commons in their petition concerning the militia? that aſſembly grew warm and impatient, and ſent up, with the King's denial to their petition, the following angry meſſage: "To deſire the Lords to lay to heart this their requeſt, That they would join in another petition to the King, that the forts and militia of the kingdom ſhould be put into ſuch hands as were approved of by both houſes: That, if the whole aſſembly would not join with the Commons, now that things were brought to the laſt gaſp, then that thoſe lords, who were willing, would declare themſelves, that they might be known from the reſt: Laſtly, to aſſure the houſe, that they muſt not expect that the Commons would come to them again upon the ſame buſineſs †." The debate on this meſſage

* Clarendon tells us, that when it was carried in the Commons' houſe to accuſe the duke of Richmond, it was late at night, and not half the houſe was preſent. This is not the fact, it appearing, on the diviſion on the queſtion, that the houſe was full. *Claren. Hiſt.* vol. I. p. 321. *Parl. Hiſt.* vol. X. p. 255.

† This meſſage was carried up by Mr. Hollis.

Ann. 1641. was opened by the earl of Northumberland, who professed, That whosoever should refuse to join with the house of Commons in their request [illegible], in his opinion, enemies to the Common-wealth. The Lords, at this juncture, seemed to be so perfectly convinced of the pressing necessity of the request, that, without signifying any offence at the peculiar style of the message, they came to the following resolutions, to join with the Commons in their vote; "That whosoever advised the King to give such an answer, is of the malignant party, and an enemy to the public peace and safety of the kingdom: That they would join with the Commons in their petition, as desired *." A petition of the same effect with the former was sent to the King, in the name of both houses, with the following clause: "That the parliament expected a speedy and gracious answer, the great distractions and distempers of the kingdom not admitting delay."

The impatience of the public at the slow progress of the long-promised reformation, excited a new inundation of petitions; among these was one from the young men, apprentices, and seamen; another from the poor tradesmen and manufacturers †; a third from the por-

* On this occasion Clarendon observes, that when this bill was first introduced in the lower house, there were few men who imagined it would receive farther countenance; but now there were very few who did not believe it to be a very necessary provision for the peace and safety of the kingdom. *Claren. Hist.* vol. I. p. 304.

† These complained, that there was so great a decay and stop of trade, that they were in a starving condition; if some means were not taken, they said, to remove those obstructions which hindered the progress of the endeavours of their representatives, they should be forced

ters *; a fourth from gentlewomen, tradesmens' wives, Ann. 1641.
&c. †. The female petitioners prayed to be secured from the cruelty and persecution of Papists, prelates, and their adherents; and expressed their resentment on the cruelties committed in Ireland, in very pathetic terms: they apologized for this their uncommon act, on the principle that they were sharers in the common calamities that oppression produced: "On these grounds, conclude the petitioners, we are emboldened to present our humble desires to this honourable assembly, not regarding the reproaches which may and are by many cast upon us; we do it not out of any self-conceit or pride of heart, as seeking to equal ourselves with men, either in authority or in wisdom, but, according to our places, to discharge that duty we owe to God, and the cause of the church." The house had not only the complaisance to read the petition, but commissioned one of their members, of no less consequence than Mr. Pym, to return an answer in

forced to lay hold of the next remedy at hand, to remove the disturbers of their peace; and proposed, that those noble worthies of the house of Peers, who concurred with the happy votes of the Commons, should separate themselves from the rest, and sit and vote as one entire body.

* This petition asserted, that, if proper remedies for the public miseries were longer suspended, the petitioners would be forced to extremities not fit to be named, and make good the saying, That necessity has no law; they had nothing to lose but their lives, and those they were willing to expose to the utmost peril in defence of the house of Commons, according to their protestation.

† Two from the counties of Warwick and Surry, and another from the inhabitants of Cleveland, in the county of York. *Parl. Hist.* vol. X. p. 291, *& seq.* *Journals of the Commons*, vol. II. p. 412.

person.

Ann. 1641. perſon. The petitioners being called up to the door of the houſe, Mr. Pym addreſſed them in the following manner: "Good women, your petition, with the reaſons, hath been read in the houſe, is thankfully accepted of, and is come in a ſeaſonable time. You ſhall, God willing, receive from us all the ſatisfaction which we can poſſibly give to your juſt and lawful deſires: We intreat you, therefore, to repair to your houſes, and turn your petition, which you have delivered here, into prayers at home for us: We have been, are, and ſhall be, to the utmoſt of our power, ready to relieve you, your huſbands, and children; and to perform the truſt committed unto us towards God, our King, and country, as becometh faithful Chriſtians and loyal ſubjects *."

* This complaiſance to a company of decent, virtuous matrons, acting under the influence of conſcience, expreſſing their fears and hopes on matters in which they were greatly intereſted, in a modeſt application to the repreſentative aſſembly of the people, has been highly ridiculed by thoſe who ſcoff at the conduct of theſe ſenſible times. Was not the policy of this complaiſance ſufficient to vindicate it from ridicule, it has the countenance of the moſt illuſtrious ſocieties. The government of Rome, when in its ſtate of higheſt virtue, though never influenced by the low cabals and intrigues of looſe and vicious women, which is ever the conſequence of thoſe effeminate manners which prevail in monarchies, failed not to pay high marks of eſteem, and granted many immunities to that ſex, on their exhibiting any ſymptom of public virtue; and we find, that when Rome was towering to its utmoſt heigth of ſplendor, the women preſumed to petition their legiſlator on ſubjects that concerned themſelves, though of a trifling nature. When the manners of that ſociety began to degenerate, the women were very importunate with the ſenators on the article of a ſumptuary law that affected their dreſs; for this they were ſternly rebuked by Cato the Cenſor, but not ſo much for their preſuming to petition, as for the pernicious nature of their petition, the improper object of their deſire, and

THAT harmony between the two legiſlative aſſem- Ann. 1641.
blies, ſo earneſtly deſired by the public, ſeemed to be now complete. The bill for depriving biſhops of their votes in parliament, which, in one ſeſſions, with a trifling alteration, the Commons had twice ſent up to the Peers, was now called for, and, after a third reading, unanimouſly paſſed by the temporal lords; the biſhops of Wincheſter, Rocheſter, and Worceſter diſſenting. Great was the joy and triumph of the public on this occaſion; nor leſs was the ſatisfaction of the Commons on the Lords paſſing the preſſing acts, with the preamble; and another very important one, entitled, "An act for a ſpeedy contribution and loan towards the relief of his majeſty's diſtreſſed ſubjects of the kingdom of Ireland." The Parl. Hiſt. vol. X. p. 303.
trial of the twelve biſhops, which had been put off from time to time, on account of the urgency of public affairs, after ſome pleadings had paſſed on the ſide of the proſecutor and the proſecuted, was determined to be farther proceeded on on the twenty-fourth of February. On the morning of that day, Parl. Hiſt. vol. X. P. 313.
the Commons ſignified to the Lords, that they had reſolved to proceed againſt the delinquents by bill. This being ſignified to the biſhops, they pleaded, that they had lain long under a charge of treaſon; that many days had been aſſigned for hearing; that, as the matter of fact had been heard, they deſired the juſtice of the houſe, that they might be heard by their counſel in point of law, and judgment given upon the charge. The Lords determined, that the pro-

and the tumultuary manner in which they preferred it. They were, nevertheleſs, vindicated by many ſenators.

ceedings

Ann. 1641. ceedings againſt the biſhops ſhould not be concluded in their houſe, without hearing them and their counſel, as the cauſe ſhould require. The Commons gave the committee appointed to manage the evidence againſt them the following ſevere orders: To draw a bill for the forfeiting the iſſues and profits of their eſtates, temporal and eccleſiaſtical *; for the impriſonment of their perſons during life †; and for the diſpoſal of all livings that ſhould fall within their gift ‡. The Lords having granted bail to the biſhops, the Commons gave them to underſtand, that it was diſagreeable to a vote of their houſe; and therefore deſired they might be remanded: With this requeſt the Lords complied, without heſitation.

* The archbiſhop of York was allowed out of the profits of his eſtate 1001. per annum; the biſhop of Durham, 8001. the biſhop of Norwich, 4001. of Bath and Wells, 1001. Coventry and Litchfield, 8001. Hereford, 5001. Peterborough, 1001. Oxon, 1001. Aſaph, 5001. Landaff, 2001. It was reſolved in the lower houſe, that no member of that houſe ſhould be a ſolliſitor in this bill concerning the biſhops. *Journals of the Commons*, vol. II. p. 517, *& ſeq. Parl. Hiſt.* vol. X. p. 374.

† After remaining eighteen weeks in priſon, they were admitted to bail. The archbiſhop of York and his ſureties were bound in 50001. and he ordered not to go to his dioceſs during the diſturbances which were at that time in the county. *Parl. Hiſt.* vol. X. p. 487.

‡ In the courſe of the trial of the biſhops, London and Saliſbury depoſed, that they never did abſent themſelves from parliament, on the occaſion of fear or menace. The biſhop of Litchfield and Coventry, in his defence at the bar of the houſe of Lords, intreated that aſſembly to follow the footſteps of the emperor Conſtantine, who had rather caſt his purple garment upon an offending divine, than reveal his offences, for the goſpel's ſake of Chriſt. *Parl. Hiſt.* vol. X. p. 304, *& ſeq.* 332, *& ſeq.*

WHILST

WHILST oppoſition in both houſes of parliament gave way to the authority of the popular leaders, the King was buſy in making preparations to reſiſt the power of the party, and to regain by the ſword thoſe conceſſions they had extorted from his neceſſities. Purſuant to his plan of gaining time by temporiſing to the petition of both houſes, concerning the forts and militia of the kingdom, he returned anſwer, That when he ſhould be informed of the extent of the power intended to be eſtabliſhed in thoſe perſons the parliament deſired to be entruſted as commanders of the militia; and likewiſe the time limited that he was to be debarred from exerciſing a power over it, without the advice of parliament; that then he would declare, that he would put in ſuch perſons as the parliament ſhould approve; provided he had no juſt and unqueſtionable exception againſt them. To render this meſſage more agreeable, Sir John Byron, at his earneſt deſire, had leave to reſign the lieutenancy of the Tower *; and Sir John Conyers, whom the parliament had recommended to this poſt, was appointed in his place. The parliament perceiving that the King's ſole drift was to gain time, paſſed an ordinance, which reſtored to lieutenants and deputies the ſame authority they had formerly exerciſed; with Ann. 1642.

* This following part of the King's meſſage explains the reaſon of his condeſcenſion: That he was preſſed by the States' ambaſſador to ſend the princeſs Mary, his daughter, immediately to Holland: That his royal conſort, the queen, had earneſtly deſired leave to accompany her daughter thither: That he had thought fit to conſent to both deſires, and to make his conſent known to both houſes of parliament. *Journals of the Commons*, vol. II. p. 416.

Ann. 1641. power to lead and employ the trained-bands, in every part of the realm of England and dominion of Wales, for the ſuppreſſion of inſurrections and invaſions that might happen *. The names of the perſons that were to be inveſted with this authority were inſerted in the ordinance; their conduct was to be accountable to the parliament, and their authority to continue during the pleaſure of that aſſembly. The preamble to the bill was as follows: "Whereas there has been of late a moſt dangerous and deſperate deſign upon the houſe of Commons, which we have juſt cauſe to believe to be an effect of the bloody counſels of Papiſts, and other ill-affected perſons, who have already raiſed a rebellion in the kingdom of Ireland; and, by reaſon of many diſcoveries, we cannot but fear they will proceed, not only to ſtir up the like rebellion and inſurrection in the kingdom of England, but alſo to back them with forces from abroad."

The royal aſſent having been refuſed to the bill for taking away the votes of biſhops out of the Lords' houſe, and exempting them from the trouble of ſecular affairs, and the bill for preſſing ſoldiers for the Iriſh wars, they were again preſented to the King at Canterbury, with an importunate meſſage from both houſes †.

* Whilſt this ordinance was in agitation, an order of parliament was publiſhed, to enable the lord-mayor, his commiſſion being but a commiſſion of lieutenancy, and declared illegal, to make uſe of the trained-bands for preſerving the peace of the kingdom, the perſon of his majeſty, and all the members of parliament, from violence and danger. *Nalſon*, vol. II. p. 878.

† In this meſſage the parliament tell the King, that his paſſing theſe bills would be a pledge to them of his gracious intention of concurring with

Charles was on the road to Dover, where he proposed to see the queen safely embarked on her journey to Holland. The queen was conscious that the parliament was come to some knowledge of her intrigues, and apprehended that, on the King's second refusal, an immediate stop would be put to her intended voyage: to facilitate therefore her escape, she persuaded the King to give his assent to the pressing solicitations of parliament: and, such was her powerful influence, that, even in this point, she prevailed; and the wishes rather than the expectation of the public were gratified *. Ann. 1641.

A PACKET from the lord Digby, directed to secretary Nicholas, was at this time intercepted and opened †. Had the intelligence of the parliament

with them in their subsequent desires, which they were preparing for him. *Parl. Hist.* vol. X. p. 283.

* The event was celebrated with ringing of bells, bonfires, and illuminations. Clarendon says, that it was Sir John Colepeper that, by alarming the fears of the queen, prevailed with her to use her influence with the King for the passing this act. *Clarendon's Life*, p. 100. *Eshard*, p. 526.

† In a letter from lord Digby to the queen, he tells her, that he cannot write to her with freedom till he has a cypher: That he shall stay at Middleborough, in a private way, till he receives instructions how to serve the King and her majesty in those parts: If the King would betake himself to a safe place, where he could avow and protect his servants, he should then live in impatience and in misery till he waited on her: If the King betook himself to the compliant ways of accommodation, which he had done of late, he should then serve him more by his absence than by his industry: "And, concludes this complete courtier, it will be a comfort to me, in all calamities, if I cannot serve you by my actions, that I may do it in some kind, by my sufferings for your

Ann. 1641. not been ſo good as it was, this would have cleared up effectually the motives of the King's motions and conduct. However, they made no ſteps to interrupt the queen's intended journey, nor ſignified other reſentment at her conduct, than the ſending a reproving, yet a civil meſſage, on the purport of Digby's letter.

Parl. Hiſt. vol. X. p. 318. & ſeq. AN impeachment of high-treaſon was ſent up againſt this offender, on the articles of his perſuading the King to levy forces againſt his liege ſubjects; the actually levying forces himſelf within the realm, to the terror of his majeſty's ſubjects *; the endeavouring to raiſe diſſenſions between the King and people; the poſſeſſing the King with a notion, that he could not live with ſafety among them, and that it was neceſſary to betake himſelf to a ſafe place; the adviſing the forming falſe and ſcandalous articles of high-treaſon againſt lord Kimbolton, &c.; the perſuading

ſake; having, I proteſt to God, no meaſure of happineſs or misfortune in this world, but what I derive from your majeſty's value of my affection and fidelity." A letter of Digby's, directed to his brother, Sir Lewis Dives, ſpeaks of his ſtaying at Middleborough till the King ſhould declare himſelf, and retire to a ſafe place.

* Digby, in his apology, owns that he did appear at Kingſton with thoſe reformado officers and ſoldiers, who had formed the King's guard at White-hall, and who had attended him in formidable array to the houſe of Commons. Such a circumſtance, in theſe jealous times, was ſubſtantial enough to be taken notice of; and was a greater proof of the temerity and inſolence of this young man, than a matter of ridicule for the houſe of Commons to take advantage of his indiſcretion, as Clarendon endeavours to repreſent it. *Nalſon*, vol. II. p. 865. *Clarend. Hiſt.* vol. I. p. 338.

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the King to come in perſon, in warlike manner, to the houſe of Commons, and demand the ſaid members, to the apparent danger of his majeſty's perſon, and in high violation of the privileges and being of parliaments. Ann. 1641.

THANKS were returned to the King, for giving his aſſent to the act for diſabling perſons in holy orders to exerciſe temporal juriſdiction; for his care of Ireland, in diſpatching the bill for preſſing; and for his gracious favour expreſſed in his meſſage to both houſes, that he would not grant pardon to any Romiſh prieſt, without conſent of parliament. With this meſſage of thanks the ordinance for ſettling the militia was preſented: This was the only requeſt that the King, in his preſent circumſtances, was determined to deny: it was the only conceſſion that could invincibly fruſtrate his intentions of regaining what he had already been obliged to grant. He replied, That he had not now leiſure to conſider on a matter of ſo high an importance; he could not, therefore, promiſe a poſitive anſwer till he ſhould return; which he intended to do as ſoon as he had put his deareſt conſort, the queen, and his dear daughter, the princeſs Mary, on board, for their tranſportation to Holland *. On the receipt of this anſwer, the parliament inſtantly diſpatched another meſſage, expreſſing grief and diſappointment at the King's evaſive dealing. He had promiſed, they ſaid, by a former

* The King was at Dover, on this errand, when this ordinance was preſented to him.

anſwer,

Ann. 1641. anſwer, that the militia ſhould be put into ſuch hands as the parliament ſhould approve, when the extent of their power, and the time of their continuance was declared: That being done, and the perſons by both houſes nominated, his majeſty yet referred his reſolutions thereon to a longer and very uncertain time: That a delay, when the preſent dangers were ſo great and preſſing, was as unſatisfactory and deſtructive as an abſolute denial: A meaſure ſo neceſſary to defend England from the practices of thoſe who had raiſed combuſtions in Ireland, it was their duty to ſee put in execution: The people, by daily petitions, deſired it; and in ſome counties were, of themſelves, and by their own authority, providing againſt the urgent danger with which they were threatened.

THE queen being now out of the reach of interruption from the parliament, Charles, in his anſwer to their importunate ſolicitations, aſſumed a more peremptory ſtyle than he had hitherto uſed. He could by no means, he ſaid, give his aſſent to their ordinance; nor did he conceive himſelf obliged to ſuch a conceſſion, by any promiſe he had made them. He objected to their preamble, as charging him falſly with a deſign upon the houſe of Commons: He offered to accept of thoſe perſons they had nominated to be lieutenants of the ſeveral counties of England, with the ſame commiſſions he had given during the ſitting of this parliament, excepting to the city of London, and thoſe other corporations, who, by ancient charter, had granted to them the power of

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the militia: If that a greater authority than was by law veſted in the crown, was thought fit to be given to the perſons nominated, he held it reaſonable, that that authority ſhould be firſt veſted in him, with power to transfer it to thoſe perſons: As to the time deſired for the continuance of thoſe powers, he could not conſent to diveſt himſelf of that juſt authority, which God and the laws of the kingdom had placed in him, for the defence of the people, and put it into the hands of any other for an indefinite time: And whereas he obſerved, by their petitions, that ſome perſons began already to meddle with the militia, he expected that the parliament ſhould examine the particulars; and if this did appear to them, then that ſuch perſons be proceeded againſt according to law. The Lords ſent this anſwer immediately to the Commons, and adjourned themſelves till the afternoon, to wait the reſolutions of that aſſembly, when the following votes paſſed the lower houſe, and were agreed to by the Lords: That this anſwer of his majeſty is a direct denial to the deſires of both houſes of parliament, concerning the militia: That thoſe who adviſed his majeſty to give this anſwer are enemies to the ſtate, and miſchievous projectors againſt the ſafety of the King, and peace of the kingdom: That this denial is of that dangerous conſequence, that if his majeſty ſhould perſiſt in it, it will hazard the peace and ſafety of all his kingdoms, unleſs ſome ſpeedy remedy be applied by the wiſdom and authority of both houſes of parliament: That ſuch parts of this kingdom as have put themſelves into a poſture of defence againſt the common danger, have done Ann. 1641.

Ann. 1641. done nothing but what is juſtifiable, and is approved of by this houſe: That this houſe holds it neceſſary, that his majeſty ſhould be deſired that the prince may come to St. James's, or to ſome other convenient place near about London, and there to continue *: That the Lords be deſired to join with this houſe, in an humble addreſs unto his majeſty, That he would be pleaſed to reſide near his parliament, that both houſes may have a conveniency of acceſs unto him upon all occaſions: That the Lords be moved to join with this houſe, in a full courſe of examination, to find out the perſons who gave his majeſty this advice, that they may be removed from him, and brought to condign puniſhment: That no charter can be granted by the King to create a power in any corporation over the militia of that place, without conſent of parliameet: That the Lords ſhall be deſired to appoint a ſelect committee, that they may join with another of proportionable number of the houſe of Commons, to propoſe what is fit further to be done upon theſe votes, or upon any thing elſe that may ariſe.

* The parliament had before enjoined the marquis of Hertford, under ſevere cenſures, not to let the prince go out of the kingdom; and had paſſed votes againſt all thoſe who ſhould be aſſiſting in ſuch an expedition. They had preferred a petition to the King, not to take him from Hampton-Court, and had ſent an expreſs order to the marquis of Hertford, not to ſuffer him to be removed from thence. They paſſed a remonſtrance againſt the marquis of Hertford; and this not having met with a compliance, ſent ſome members of both houſes to Greenwich, to bring the prince to London; but their meſſengers, finding the King arrived before them, did not attempt to put their orders in execution. *Nalſon*, vol. II. p. 857. *Claren. Hiſt.* vol. I. p. 340. *Parl. Hiſt.* vol. X. p. 208, 320, & *ſeq.*

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A DECLARATION of both houſes of the preceding reſolutions was immediately ſent to the King *. In this it was declared, That the dangers and diſtempers of the nation were ſuch as could endure no longer dallying: That, unleſs he ſpeedily complied with the demands of his parliament, they would be enforced, for his ſake, and the ſake of the kingdom, to diſpoſe of the militia by their own authority; and were reſolved to do it. On receipt of this meſſage, Charles peremptorily replied, That for the militia, he was ſo much aſſured that his anſwer was agreeable to what in juſtice or reaſon they could aſk, or he in honour grant, that he ſhould not alter it in any point: For his reſidence near the parliament, he wiſhed it might be ſo ſafe and honourable, that he had no cauſe to abſent himſelf from White-hall: For his ſon, he ſhould take that care of him which ſhould juſtify him to God as a father, and to his dominions as a king. This poſitive refuſal produced in the Commons' houſe the following vigorous reſolutions: "That the kingdom be forthwith put into a poſture of defence, by authority of parliament, in ſuch a way as is already agreed on by both houſes." It was farther reſolved, That a committee ſhould be appointed to prepare a declaration to clear the houſe from ſuſpicions conceived againſt it; and to lay down the juſt cauſes of the Ann. 1642.

* The Lords ſignified to the Commons, that by reaſon of the haſte the meſſage to his majeſty required, they had given orders to the lord of their houſe, appointed to carry it, to ride poſt. *Journals of the Commons*, vol. II. p. 448.

Ann. 1642. fears and jealouſies given to the houſe *. Theſe reſolutions were agreed to by the Lords †.

MATTERS being now come to a criſis, Charles, notwithſtanding the earneſt ſolicitations of the parliament,

* The earl of Clarendon, in his own Life, ſuppoſes, that if the King had returned to the parliament after the queen's departure, and that the houſes had been convinced he no longer governed himſelf by her dictates, matters would have been compoſed by very moderate conceſſions on his part: but it was no ſooner known that he intended making a progreſs northward, and of taking the prince with him, than they fell into their uſual heat and debate of their juſt cauſes of jealouſy and diſtruſt. This is in Clarendon an unwary confeſſion of what indeed appears by the hiſtory of theſe times, but what has been conſtantly denied by the friends of Charles; viz. That if the parliament could have truſted him, or had not been informed of the treacherous deſigns on foot againſt the peace and liberty of the kingdom, they would gladly have cloſed the ſcene of civil contention, and been contented with thoſe advantages already gained on the ſide of Liberty. The earl of Clarendon, then Mr. Hyde, who had inliſted himſelf in the ſervice of the court, and betrayed the counſels of parliament, moreover confeſſes, That he ſent to the King, by a previous meſſenger, this meſſage from the parliament, adviſing him, upon the delivery of it by the committee, to make ſome ſhort reſentment of the houſes' proceeding with him; and that Mr. Hyde would draw up an anſwer in length, to be returned to the meſſage in due time. From ſuch inſtruments ſprang that evil counſel which the parliament ſo juſtly complained of; and which, at length, overwhelmed that power which, for their own particular intereſt, they endeavoured with ſuch craft and deceit to ſupport. *Clarendon's Life*, vol. I. p. 109, *& ſeq.*

† The following peers proteſted againſt the reſolution of putting the kingdom into a poſture of defence: Earls of Lindſey, Bath, Southampton, Northampton, Monmouth, Cleveland, Portland; lords Mowbray, Willoughby de Ereſby, Grey, Dunſmore, Seymour, Capel. *Parl. Hiſt.* vol. X. p. 330.

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ſet out with his two ſons for York *, where he arrived, by ſlow journeys, on the nineteenth of March †. Ann. 1642.

* The King acquainted Mr. Hyde with his intention of retiring northward; and directed him to give him, from time to time, intelligence of thoſe matters which concerned him; and to propoſe anſwers to all the meſſages and declarations that the parliament ſhould ſend to him. *Claren. Life*, vol. I. p. 107.

† Acts paſſed in this parliament.

1. A ſubſidy of tonnage and poundage, &c.
2. An act for raiſing mariners, &c.
3. An act to relieve captives taken by the Turks, &c.
4. A ſubſidy of tonnage and poundage.
5. An act for raiſing mariners, &c.
6. An act for diſabling perſons in holy orders to execute temporal juriſdiction and authority.
7. An act for the raiſing ſoldiers for the defence of England and Ireland.
8. A ſubſidy of tonnage and poundage.
9. An act for a contribution and loan for the diſtreſſed people of Ireland.
10. A ſubſidy of tonnage and poundage, for the raiſing and levying of money for the neceſſary defence, and great affairs of the kingdoms of England and Ireland; and for the payment of debts undertaken by the parliament.
11. An act for the reducing the rebels in Ireland to their obedience to his majeſty, and the crown of England.
12. An act for an explanation of a former act for reducing the rebels in Ireland.
13. An act to enable corporations to adventure in Ireland.
14. An act for the farther reducing the rebels in Ireland.
15. A ſubſidy of tonnage and poundage.——It has been already obſerved, that the Commons, to prevent the King from making uſe of the public money to his private ends, and to keep him entirely dependant, till the new-modelled government was thoroughly eſtabliſhed, had, under the pretence of not having leiſure to ſettle a new book of rates, given theſe ſubſidies of tonnage and poundage for a ſhort time, collected them by officers of their own appointing, and exerciſed the authority of applying them to their proper uſes. The King expreſſed his reſentment

Ann. 1642. WHILST the King thus premeditated hoſtile intentions againſt the power of parliament, and the liberty and peace of England, Ireland remained neglected, notwithſtanding that the contagion of cruelty, and the ſpirit of unnatural oppoſition, had ſpread itſelf over the whole papiſtical body. The Commons, anxious to revenge the miſchiefs the Proteſtants had already received, and to ſecure them from farther evil, forwarded, to the utmoſt of their power, the negociation which had been entered into with the Scots. Charles, who intended to render the Iriſh rebellion an inſtrument to execute his deſigns againſt the liberty of the whole empire, with great earneſtneſs preſſed the ſending at leaſt an equal number of Engliſh forces into Ireland, on pretence that the Scots would ſeize upon that kingdom, when they had ſubdued the natives. Whilſt the biſhops ſate in the upper houſe, he found means to gain the majority of peers on his ſide; ſo that, whenever the Commons moved that the offer of the Scots might be accepted, and that ten thouſand of them, who could be eaſily, and at a ſmall expence, conveyed over, ſhould be ſent for the relief of their diſtreſſed Proteſtant brethren; the Lords returned anſwer, That

at this conduct, on the paſſing the act of the laſt ſubſidy of this kind he received. He reprehended the Commons for not having given it him for as long a time as it had been given to his anceſtors; hinted that this ſhould be the laſt bill of the ſort that he would paſs; and reminded them of thoſe good intentions they had expreſſed, to conſider no leſs his ſubſiſtence and ſplendor, than their own liberties and intereſts. *Parl. Hiſt.* vol. X. p. 263, *& ſeq.*

they

they would consent, provided an equal number of Ann. 1642.
English were permitted to go at the same time. Nothing could be more perplexing to the Commons than this opposition; either the Protestant interest must be sacrificed in Ireland, and themselves incur the blame of impeding assistance; or, if they gave way to the King's proposals, they hazarded the loss of religion and Liberty, by raising a large military power, which would be under the government and direction of the avowed creatures of the crown; and whose principles, both in religious and civil matters, were as malignant as those of the Papists. Ormond, a special pupil of Strafford's and the prelate Laud's, whose sense of political duty was contained in the narrow compass of personal loyalty to the King*, had been, from the commencement of the rebellion, appointed commander in chief of all the forces in that kingdom. Such being the obvious dangers, the Commons were obliged to risk their popularity to avoid ruin; and, notwithstanding the clamours and malicious insinuations of the court party, not only disregarded an offer from the King, of raising ten thousand volunteers for Ireland, but when, by his commission, drums were beating, and men enlisting, they put an effectual stop to the proceeding, by taking up colonel Hill, and other officers, for engaging in a bu- Carte's Life of Ormond, vol. I. p. 201.

* To the utmost of his power he had obstructed every measure of the Irish parliament, in favour of Liberty; and had defended the tyrannical practices of every corrupt officer of the crown. See, in Strafford's Letters, and Carte's Life, this nobleman's principles of passive obedience to church and state, with his views of aspiring to court-favour, from the merits of a conformable practice.

Ann. 1642. fineſs of that importance without their advice and conſent. The great reputation they had gained by their public-ſpirited meaſures, joined to the good ſenſe of the age, ſaved them from odium: Their party were ſucceſsful in giving the people proper notions on the ſubject; the petition from the citizens of London, expreſsly declaring, That the Iriſh Papiſts would never be ſubdued by volunteers *. The obſtinacy of the Lords in regard to the Scots treaty, and their not paſſing the preſſing act, diſabled the Commons from ſupplying farther aid to Ireland, than the twenty thouſand pounds, ſent over on the firſt commencement of the inſurrection, two or three regiments of foot, and ſome arms and ammunition. They at laſt prevailed with the upper houſe to agree to the ſending over two thouſand five hundred Scots, till the treaty for the ten thouſand ſhould be concluded. The King delayed the buſineſs for ſome time, by objecting to one of the conditions propoſed, viz. That Carrickfergus, the moſt conſiderable ſea-port town in the north of Ireland, ſhould be put into their hands: This, on the ſpecious pretence, that it would be too great a truſt for auxiliary forces. The Commons, who thought the forts of that kingdom much ſafer in the hands of the Scots, than in thoſe of an army devoted to the King, immediately cloſed in with the propoſal; and, for the ſame reaſon, contrary to previous reſolutions, gave way to the Scots being entirely governed by their own commanders; not to be

Rapin, vol. XI. p. 334, & ſeq.

* Meaning that an army raiſed by the King would never ſubdue thoſe whom he wiſhed not to ſubdue.

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CHARLES, finding himſelf preſſed by the Commons and by the Scots, who repreſented to him, That it would be ſhewing a very ungracious diſtruſt in his own ſubjects and countrymen, not to place the ſame confidence in them that the parliament of England were inclined to do; and not daring, in his preſent ſituation, to incur the odium of putting a total ſtop to the relief of Ireland; gave at length an unwilling aſſent.

Affairs of Ireland.

BUT whilſt every part of the king's conduct manifeſtly tended to an open breach with the parliament, and confirming thoſe jealouſies which had been long entertained of him, created invincible obſtacles to the ſending from England any powerful aid to Ireland, that rebellion became formidable by the entire union of the large body of Iriſh papiſts. The rebels, after having made themſelves maſters of moſt of the ſtrong places in the north of Ireland, marched up towards Dublin, laying ſiege to Drogheda, a place of importance, on account of its neighbourhood to the capital. It would be tedious, in a narrative of this general kind, to give the hiſtory of particular ſieges and battles: it is ſufficient to ſay, that the Engliſh garriſon, under the command of Sir Henry Tichburn, a valiant and judicious officer, maintained this town, though its

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walls

Ann. 1642. walls of defence were in an old and crazy condition, againſt the whole power of the rebels, famine within, and the diſaffection of the papiſt-inhabitants, by whoſe intrigues part of the rebel army were more than once introduced into the town. The vicinity of theſe forces, with the unlucky defeat of ſome troops that were ſent from Dublin to the relief of Drogheda; the apparent evil intentions of the Engliſh Papiſts of the pale; ſome political reaſons, ariſing from the ſuſpicious inclinations of the old army, which had been raiſed and diſciplined by Strafford; the known malignity of ſome of the officers in high command, of Ormond in particular; occaſioned the juſtices to keep on the defenſive, till the arrival of ſuccours daily expected from the Engliſh parliament.

Temple's Hiſt. of the Iriſh Rebellion, 4to. Ed. 1724, p. 49, & ſeq.

THE tumultuous reſort of papiſts to the city of Dublin, many of them by their ſpeeches diſcovering their ill affections to the Proteſtants, occaſioned the government to iſſue out a proclamation for the diſcovery and removal of ſuch as ſhould come to and continue in the city without juſt or neceſſary cauſe. To prevent the exceeding ſpreading of rapine and murder, a proclamation was iſſued out, in favour of the poorer ſort of people in the counties of Meath, Weſt-Meath, Louth, and Longford, who had been drawn in to pillage their Engliſh neighbours, by the ſucceſs of the firſt conſpirators, and the example and ſolicitations of their chiefs. To all of theſe who were not guilty of blood, promiſe was made, on terms of ſubmiſſion and reſtitution, that no farther proſecution ſhould be held againſt them: To the remonſtrance likewiſe of the inhabi-

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tants of the county of Cavan, a civil anſwer of readineſs to redreſs juſt grievances was returned, provided that farther acts of rapine and violence were forborne, and the goods of the Engliſh reſtored. The remonſtrance itſelf was tranſmitted to the lord-lieutenant, to be preſented to the King. Whilſt the juſtices endeavoured in vain to diſunite from the Iriſh chieftains their followers, they took meaſures to conciliate, if poſſible, the affections of the Engliſh of the pale. In their proclamation, publiſhed immediately on the diſcovery of the conſpiracy, they had made uſe of the words Iriſh Papiſts; this being captiouſly excepted againſt, as too general an expreſſion, another proclamation was immediately ſet forth, explaining the meaning of the former; that they did not intend any of the old Engliſh of the pale, or any other parts of the kingdom, being well aſſured of their fidelities to the crown, and having had experience of the good affection and ſervices of their anceſtors, in former times of danger *. It was not with words only that the juſtices endeavoured to allay the malice of this body; they ventured on the dangerous expedients of truſting them with arms, and the granting commiſſions to the perſons of chief quality among them, to raiſe and command forces, to preſerve the peace of the ſeveral counties, with a power to execute martial law. Ann. 1642. Borlaſe, p. 22. Temple, p. 50, 52. Borlaſe, p. 23.

The parliament of Ireland, after they had executed all the buſineſs that affected the interior government Carte, vol. I. p. 221, & ſeq.

* The proclamation likewiſe enjoined all the ſubjects, whether Proteſtants or Papiſts, to forbear all upbraidings in matters of religion. *Borlaſe*, p. 23.

Ann. 1642. of the kingdom, adjourned till the ninth of November, in expectation of the return of their committees with the promiſed graces. The inſurrection, with the attempt on the caſtle of Dublin, happening before this period, the lords juſtices, fearing that the concourſe of ſtrangers, which would flock to the capital, on this occaſion, would afford to the diſaffected an opportunity to machinate new plots, by proclamation prorogued the parliament to the twenty-fourth of February. This was an unexpected interruption to the deſigns of the pale; their lawyers diſputed the legality of ſuch a prorogation, and declared that, unleſs the houſes met the day to which they were adjourned, the parliament would be diſſolved. The juſtices, not caring to act doubtfully when a point of law was in queſtion, gave way to the meeting; when, without entering into buſineſs, the two houſes adjourned till the ſixteenth. There was not wanting a faction in the council who diſapproved the prorogation. The juſtices and their party urged the danger of bringing a number of ſtrangers to the city; that ſeveral of the Proteſtant members were diſperſed, or ſhut up, or employed; that they could not repair to the meeting; that therefore the Roman-catholics would be ſuperior in number, and carry things according to their own humour. The majority of the council adhered to the prorogation; but, to avoid giving unneceſſary offence, the active popiſh members, who had been the moſt tenacious on this occaſion, were told, that though the council could not abſolutely remove the prorogation, they would limit it to a ſhorter time: That the parliament ſhould have

leave

leave to ſit one day, if they would make a proteſta- Ann. 1642.
tion againſt the rebels: That, if they pleaſed, they ſhould have liberty to depute ſome of their members to treat with the rebels about laying down arms; and that the council would be ready to receive whatever grievances they had to complain of, and tranſmit them to his majeſty, for a ſpeedy redreſs.

When the two houſes met, they took into immediate conſideration the ſtate of the nation, and the framing a proteſtation againſt the inſurgents; but, notwithſtanding the committee juſt returned out of England, and others of the popiſh party, not only arraigned the expediency of the prorogation as an obſtruction of the graces they had obtained * of the King, but as a deeper injury done to the kingdom, in preventing them from expreſſing their loyal affections; and ſhewing their deſires to quell ſo dangerous a rebellion, they could not be perſuaded in the Commons' houſe to ſtyle theſe deteſtable maſſacriſts by ſo rough an appellation, as that of rebels; but called them diſcontented gentlemen, uſing much artifice to varniſh over the moſt flagitious, bloody, and violent of their acts; fearing, it was thought, that, if they cloathed their ſentiments with a high degree of hypocriſy, it might move the rebels, not diſcovering their reaſons, to recriminate; and ſhew that they Temple, p. 128, & ſeq.

* They had obtained every thing they had aſked of the King; they came laden with bills for the graces, and order for others to be immediately tranſmitted by the ſtate, to be paſſed in form in the privy-council of England.

Ann. 1642. were clandeſtinely involved in the plot †. This conduct occaſioned a Proteſtant member to obſerve, that

† Dr. Maxwell teſtified, on his examination, that he heard Sir Phelim O'Neal, in a large company ſay, That if the popiſh lords and gentlemen would not riſe, but leave him in the lurch, he would produce his warrant, ſigned with their hands, and written with their own blood, which ſhould bring them to the gallows. The wife of Philip O'Reily complained of the tardineſs of the Engliſh of the pale, and ſaid, that the meer Iriſh, if theſe had not ſet them on, would not have begun ſo troubleſome a work. Patrick O'Bryan affirmed, upon oath, that all the nobles in the kingdom that were Papiſts, had a hand in the plot. By the evidence of Francis Sacheverel, Eſq; it appears, that four ſeveral Iriſh popiſh prieſts ſhould atteſt, That the prieſts, jeſuits, and friars of England, Ireland, Spain, and other countries, were the contrivers and projectors of the rebellion: That they expreſſed their hopes of being able to ſubdue the Engliſh government in Ireland, and then to conquer England. By lord Macguire's evidence, it was propoſed to the chief gentlemen of Ulſter, at the time Mr. John Bellew came out of England, with a commiſſion for the continuance of the Iriſh parliament. Roger More, who among thoſe ruffians was counted a man of honour, and who was allied to many families of the Engliſh pale, told the Iriſh, that when they had once roſe, the gentlemen of the pale would not ſtay long after; at leaſt they would not oppoſe them: moreover, he had ſpoken to the lord Mayo, a great man among them, of powerful command in the parts of Connaught, who would not fail to appear the day appointed, and be ſeen in the act. Sir James Dillon, and other gentlemen of the pale, promiſed to appear after the taking of the caſtle of Dublin. Mac Mahon confeſſes, in his evidence, that all the chief nobility and gentry of the kingdom were engaged in the plot; and particularly all the popiſh party, in the committee ſent into England, and in both houſes of parliament, knew of it. William Fitz-Gerald affirmed, That Sir Phelim O'Neal told him, that what he did was by direction and conſent of the prime nobility and gentry of the whole kingdom; and that what he did in the northern parts was executed in Dublin, and in all other forts and towns throughout Ireland, as being a courſe reſolved upon among the lords and gentry, for the preſervation of his majeſty's prerogatives, their own religion and liberties, againſt the puritan faction in England. Both colonel Read, and the

many paſſages in the aſſembly were too like Catalines in the ſenate; that as to any thing that might ſoften the rebels, he conceived they were hardened with ſo much villany, that they eſteemed all things juſtifiable that were attainable; and therefore it was fit that that houſe ſhould act as if they were ſenſible of the cruelties they had committed; and truſt to God to vindicate his and his people's cauſe. The proclamation had occaſioned a thinneſs in both houſes, by preventing the members of the diſtant counties from coming up. In the houſe of Lords there were but few of Ann. 16,2.

the lord Macguire, teſtified, that Gormanſtone knew of the plot whilſt he was in England; the latter affirming, that he was told by colonel Plunket, that he had told both Gormanſtone, and others of the Iriſh committee, of it; and that they approved it. The popiſh lawyers, in the ſeſſions that immediately preceded the breaking out of the inſurrection, declared the following propoſitions to be the law of the land, viz. That being killed in rebellion, though found by matter of record, would not incur the forfeiture of eſtates: That though thouſands ſtood up in arms, making deſtruction, and breaking the peace of the kingdom, yet, if they profeſſed not to riſe againſt the King, it was not rebellion: That if a man was out-lawed for treaſon, and his land thereby veſted in the crown, or given away by the King, his heir might reverſe the outlawry, and recover his anceſtor's eſtate. Whilſt theſe men cloathed their pretenſions with the language of patriotiſm, the well-meaning Proteſtant members not only heard them with applauſe, but joined with them in the proſecution of thoſe officers of ſtate, who had ſtretched the prerogative beyond its legal limits. On pretence that the earl of Strafford's ſervants, in revenge of their maſter's death, intended a miſchief to the parliament, ſome of the popiſh members, in this ſame ſeſſions, moved the houſe, and obtained orders for the ſearching of the King's ſtores for powder and arms: The committee appointed for this office moved the juſtices, that they might be admitted to ſee the magazines of powder and arms lodged in and about the caſtle: This ſtrange requeſt was refuſed by the juſtices. *Temple*, 4to Ed. 1724, p. 61. *& ſeq.* *Borlace*, p. 12. *Carte*, vol. I. p. 161, *& ſeq.*

the

Ann. 1642. the popiſh party and but one biſhop; therefore the majority conteſted ſo ſtrongly the cold proteſtation which had been ſent up by the lower houſe, that they were obliged to compromiſe the matter, and alter their ſtile ſo far as to ſay, that ſundry ill-affected perſons had rebelliouſly and traitorouſly raiſed arms. The two houſes joined in an ordinance, empowering a committee to confer with the northern rebels, touching the cauſe of their diſcontent; and continued to ſit two days, earneſtly preſſing the ſtate to allow them a longer ſeſſion. The juſtices denied this requeſt; but complied ſo far with their deſires, as to ſhorten the prorogation to January the eleventh. They paſſed an ordinance, empowering the juſtices to raiſe and arm the poſſe of what counties they thought fit. The lord Dillon of Coſtelough, one of the committee which had been ſent into England, and who, it was ſuppoſed, was privy to the commiſſion for the riſing of the Iriſh, having been diſpatched by the queen to the King in Scotland, was appointed by the lords to return thither with a repreſentation to the King, concerning the ſtate of the kingdom. In his more private inſtructions he was ordered to negociate the ſtaying of forces that ſhould be ſent out of England; that the government ſhould be put entirely into the earl of Ormond's hands; that the parliament ſhould remove ſuch officers of ſtate as they thought fit, and recommend natives to their place *. With this nobleman em-

Temple, p. 72, & ſeq. 130. Borlaſe, p. 34.

* The demands, compriſed in all the ſeveral remonſtrances which were ſent up by the Papiſts, were of the following kind: Reſtoration of the public profeſſion of the Romiſh religion, biſhoprics, deaneries, friaries, nunneries, all other ſpiritual promotions, and impropriation of tithes:

barked the lord Taaffe, who had preſented to the council a letter from the rebels at Longford, in the nature of a remonſtrance; deſiring, among other Ann. 1642.

tithes: Reſtitution of all the plantation-lands to the old inhabitants, with the full ſecurity of their eſtates by act of parliament. With theſe exorbitant requeſts were others of a more rational nature: That the parliament of Ireland ſhould be declared independant of the parliament of England; and that it had in itſelf a ſupreme juriſdiction as abſolute as that of England: That Poyning's act ſhould be repealed: That, as in England there had paſſed an act for triennial parliaments, ſo in Ireland there ſhould paſs one for ſexennial parliaments: That there ſhould be a militia eſtabliſhed: That the offices of government, and the command of the militia, ſhould be put into the hands of the natives: That monopolies ſhould be taken away by act of parliament: That new corporations, which had not the face of corporate towns, and had been only created to give voices in parliament, ſhould be diſſolved: That the King ſhould releaſe all tenures *in capite*, and by knights ſervice, in conſideration of a ſettled revenue: And that the exportation of native commodities ſhould be free. Theſe articles, relating to the interior government and trade of Ireland, muſt be confeſſed, by every unprejudiced mind, to be founded on the common rights of all mankind; therefore, had they not been introduced by a prelude of ſuch atrocious acts of violence, as declared the actors unworthy to partake of the advantages of civil community, ought to have been granted by the Britiſh legiſlature. Such immunities, with an union between the two kingdoms, would in all probability have followed the eſtabliſhment of the graces, had the Papiſts of Ireland, inſtead of flying out againſt the patrons of Liberty, lent them their aſſiſtance towards eſtabliſhing a perfect ſyſtem of Freedom in all parts of the Britiſh empire.

As it has been elſewhere obſerved, the Proteſtant members of the Iriſh parliament went hand in hand with the Papiſts in all propoſals tending to eſtabliſh the freedom of the Iriſh conſtitution: On the article of the Engliſh parliament's encroaching on the parliament of Ireland, the Papiſts acquieſced, whilſt they found it their intereſt to keep well with the popular party in England: On a member of the Iriſh parliament being called before the Engliſh ſenate, and addreſſing themſelves to their own parliament, to defend them and their privileges, he was oppoſed by a Papiſt, who repreſented, that the houſe would do well not

Ann. 1642. demands, the free exercise of their religion, and a repeal of all laws to the contrary.

Rapin, vol. XI. p. 277. When the parliament of England heard of these transactions, they declared that they would never consent to any toleration of the popish religion in Ireland, or any other of his majesty's dominions. According to a vote in parliament, passed November the twenty-third, they seized the two peers, and took possession of their papers: these having made their escape with one Thomas Burke, a brother of the lord Clanrickard, who came over much about the same time, and on the same errand, retired to York, and constantly followed the court, to negociate the affairs of their countrymen.

Journals of Commons, vol. II. p. 323.

The Lords of the pale, now finding themselves, by the prorogation of the parliament at this critical time, prevented from taking the management of affairs entirely into their hands, according to the promise they had made to the queen, began openly to avow their hitherto-concealed sentiments. The defeat of the English, at St. Julian's town-bridge, near Drogheda, furnished the rebels with arms and reputation: their number increased so exceedingly, that their forces about Drogheda and between this town and Dublin, amounted to twenty thousand men. Encouraged by this unexpected success, the English of the pale, on the authority of a warrant issued from the lord Gormanstone, had a general meeting on the hill of Crofly, in the county of Meath; to this assembly there came a de-

Borlase, p. 39, & seq. Temple, p. 139, & seq.

not to take notice of the representation, lest variance should arise between the two parliaments. *Temple*, p. 73, *& seq.*

putation

putation from the rebel army, viz. Roger More, Hugh Birn, &c. The lord Gormanſtone, and other lords of the pale, rode to meet them, and aſked them their reaſons for coming armed into the pale. Roger More, the ſpeaker of the company, returned anſwer, That the ground of their coming, and of their taking up arms, was the freedom and liberties of their conſciences, the king's prerogative, in which they underſtood he was abridged, and the freedom of the Iriſh ſubject. The lord Gormanſtone, after aſking them a few more queſtions to the ſame purport, told them, that, as theſe were their true ends, the pale would join them. This farce was concluded with a proclamation, that whoſoever refuſed to unite with, or aſſiſt their joint-forces, ſhould be accounted an enemy, whoſe deſtruction they would, to the utmoſt of their power, labour. Ann. 1642.

When theſe proceedings were made known to the juſtices, they ſent a letter to thoſe nobility of the pale who were in the neighbourhood of Dublin, demanding their aſſiſtance at a conference concerning the preſent ſtate of the kingdom. The firſt meeting of the nobility and gentry of the pale was immediately followed by another at the hill of Taragh, from which place a letter of refuſal was ſent to the juſtices, on the pretence that the popiſh nobility and gentry could not with ſafety attend the council-board, having been informed that Sir Charles Coot had dropped hints tending to a reſolution to execute on all thoſe of their religion a general maſſacre. In anſwer to this ridiculous charge, the council publiſhed a proclamation, giving them aſſurance of ſafety, if they would repair to

Ann. 1642. Dublin: withal teſtifying, that they never heard any ſpeech tending to ſuch a purpoſe; nor was it even in their thoughts to diſhonour the government by ſo odious, impious, and deteſtable an action. A party headed by the ſon of viſcount Netterville, who had met in arms at Swoords, refuſed obedience to a warrant from the ſtate, charging them to ſeparate; and threatened to encamp at Clantarf, a village ſtanding on the harbour of Dublin. Some of their followers ſeized on a bark lying there, and carried off all the commodities they found in her. On this the Lords-juſtices ſent out a party of horſe and foot, to prevent any large body of the rebels lodging at Clantarf, and making themſelves maſters of the few ſmall veſſels that lay in the harbour. The Iriſh Papiſts of Engliſh extraction, having thus fully publiſhed their intentions, proceeded to put the whole circuit of the pale into a poſture of war. The lord viſcount Gormanſtone was declared general of their forces, Hugh Birn lieutenant-general, and the earl of Fingall general of the horſe; theſe lords had power to nominate captains and to raiſe ſoldiers, eight of which were to be maintained out of a plough-land, containing one hundred and twenty acres: applotments were made of the proportions of corn and cattle to be furniſhed out of every part for the general proviſion of the army. The beſiegers of Drogheda were ſupplied with every thing ſuitable to their wants; the ways of Dublin were blocked up, and the country people forbid to carry thither their corn. Warrants, in a ſtrain of high authority, were iſſued out by Gormanſtone; whereby thoſe, who had been appointed to raiſe and maintain men, were enjoined to do it on pain of death.

Temple, 4to Ed. p. 146, & ſeq.

death. Overſeers were nominated, with powers to threſh out and ſecure all the corn belonging to the Proteſtants, for the uſe of the rebel army; and thoſe recuſant-gentlemen who had been appointed captains of companies, and received arms for the protection of the ſtate, all revolted to the ſervice of the rebels. Ann. 1642.

FROM this period, the rebellion, by a quick progreſſion, ſpread itſelf throughout the whole kingdom, with all thoſe circumſtances of blood and violence that attended the firſt inſurrection; the Iriſh Papiſts of Engliſh extraction boaſting, as a meritorious act, that they had killed more Proteſtants in Fingall, than had been killed in many other counties*. Borlaſe, p. 51.

IN the firſt order of the parliament of England, before they had received intelligence of thoſe abominable cruelties which had been committed by the rebels, they recommended to the ſtate of Ireland, according to the power of a commiſſion obtained of the King, to beſtow a pardon on all ſuch as within a convenient time ſhould return to obedience. Notwithſtanding this manifeſtation of the fairneſs of their intentions; notwithſtanding the aſſiſtance they had given to the Iriſh parliament, to redreſs all the juſt grievances of the Borlaſe, p. 50, & ſeq.

* Sir John Temple ſays, that when, by the union of the Engliſh of the pale with the Iriſh, the rebellion of the Papiſts became general, with one voice they ſounded forth from all the provinces of Ireland the ſame language, they uſed the ſame remonſtrances, made the ſame pretences for their juſtification, and followed the ſame courſe, firſt in ſtripping, then baniſhing and murdering the Britiſh and Proteſtants. *Temple*, 4to Ed. p. 66, *& ſeq.*

Ann. 1642. kingdom; the rebels pretended that they lay under the neceſſity to take up arms, for the defence of their property, lives, and religion, the puritan party in the Engliſh parliament having threatened them with a general extirpation; grounding this aſſertion on the report of a few idle ſpeeches, ſpoken by individuals, many of which were without ground*. Nothing could be more weak

† Sir William Parſons and Sir Adam Loftus had declared it was ſaid, that 10,000 Scots were to arrive in Ireland to force the Papiſts to change their religion. Wagers had been laid, at the general aſſize, that within one year not one Catholic ſhould be ſeen in Ireland: It was commonly reported, that the parliament of England had a plot to bring all the Papiſts to church, or extirpate them the kingdom. Theſe are the frivolous grounds on which the Papiſts, in a remonſtrance to the King, pretended to juſtify their flagitious conduct. It was formally contradicted by the ſtate, that ſuch words were ever ſpoken by Sir William Parſons and Sir Adam Loftus; nor could the truth of ſuch a declaration, if there ever had been any ſuch, gain belief among the Iriſh Papiſts; for they fondly imagined, that the King's conceſſions had gained ſo far on the Scots, as to attach them entirely to his and their joint intereſts; and ſo fondly perſuaded were the Iriſh Papiſts of this opinion, that when, as auxiliaries to the ſtate of England, they were invaded by the Scots, they regarded this people as friends till, by their acts of hoſtilities, they convinced them that they came in a contrary character. The ſtory of the wager had its riſe from the following innocent joke: A Papiſt having aſſerted, at the ſheriff's table, that he would never go to church, he was merrily anſwered by a Proteſtant, "I will give you five pounds; and you ſhall give me fifty for it, if you come not to church within this time twelve-month." For the report concerning the parliament of England, it muſt be regarded by the men of knowledge among the Iriſh Papiſts to be groundleſs, the meer creature of ſedition, ſince, tho' the Engliſh parliament had ſhewn a well-founded jealouſy of the Engliſh Papiſts, theſe having ever diſtinguiſhed themſelves as the tools of power; they had acted in a cordial, friendly manner by the Iriſh Papiſts, whilſt this body pretended to conduct themſelves on the principles of Liberty; and had aſſiſted their agents in

than the flagitious conduct of the Engliſh of the pale, Ann. 1642.
a conduct by which they united themſelves to a parcel of male-contents with whom they had always been at variance, on motives of intereſt and national prejudices; men, whoſe anceſtors having forfeited by rebellion, thoſe eſtates which the Engliſh of the pale enjoyed, did not regard themſelves as benefited by the immunities which the kingdom was on the point of attaining, and which nothing but ſo general a rebellion could probably have prevented. The abſurdity of their conduct was ſo obvious to theſe Iriſh deſperadoes, who ſtill retained their ancient animoſity againſt men, whom they regarded as invaders of their rights, that with many inſulting ſcoffs, they upbraided them with their folly, ſaying publickly, "We have now put a trick upon the old Engliſh of the pale, for all the old tricks they have put upon us." They would likewiſe threaten them in the following manner: "Do you think, if we were rid of the Engliſh, that we would ſpare you? No. Though we make uſe of you at preſent, we would cut all your throats; for you are all of one race with the other Engliſh †." Powerful muſt be that influence which could

in every laudable attempt they had made to vindicate their freedom. *Ruſhworth*, vol. IV. p. 385, *& ſeq.*

† It is ſaid, that the gentlemen of the pale continually lamented their misfortune, in being joined to people who had ever been their enemies: That it was the practice of the old Iriſh to ſteal their horſes, and bring them back for premiums, which had been offered for finding them: That they would be continually ceſſing ſoldiers on them, and take every opportunity to defraud and oppreſs them. Such was the inveteracy of the Iriſh prieſts againſt their own order in the pale, that they would not let any of them ſay maſs in their churches. *Carte*, vol. I. p. 257.

unite

Ann. 1642. unite two bodies of men, whoſe anceſtors, till the plantation of the new Engliſh and Scots in Ulſter, had, for the ſpace of four hundred years, harraſſed one another with incurſions and depredations. It is to be gathered from circumſtances, that when the infernal plot of the Iriſh inſurrection was machinated at Whitehall, it was there agreed, that the old Iriſh, having little or no property to loſe, would be more forward to begin the ſcene of confuſion; that the Iriſh Papiſts of Engliſh extraction, having in former times acted ſucceſsfully and powerfully againſt the northern Iriſh, would be truſted with the buſineſs of their reduction; that, by a majority in parliament, which muſt be the natural conſequence of the rebellion *, they would procure to themſelves and thoſe Proteſtants who were devoted to the King, the management of all affairs, both civil and military; and by this means be able, not only to maſter the hot ſpirits at Weſtminſter, as they vaunted to the queen, but curb the too preſuming pretenſions of their natural enemies the old Iriſh. Certain it is, that when, by the caution of the council of Ireland, they were obliged to declare themſelves on conditions not equally advantageous to their firſt views, they ſhewed ſo great a diſtruſt of their confederates, that they employed agents to prevent their own body from enliſting themſelves under Roger More, or any of the Iriſh commanders.

Carte, vol. I. p. 262.

* Many of the Proteſtant members were ſlain and detained priſoners, whilſt every popiſh recuſant in the kingdom retained his freedom, and remained unmoleſted.

As

As the rebels always avowed their perſonal loyalty to the king, and that their quarrel lay againſt the other parts of theEngliſh legiſlature, who had abridged his prerogative, the juſtices, to exculpate majeſty from countenancing ſuch villany, and to prevent, as they expreſs themſelves, the ignorant multitude from being ſeduced to the rebel party under ſuch an opinion, ſent over a proclamation to be immediately publiſhed by the King: Twenty of which, it would be neceſſary, they ſaid, ſhould be ſigned by his own hand, and ſealed with his privy-ſignet, to be diſperſed ſeveral ways. No other authority, they aſſerted, would be ſufficient to convince the rebels that it was his act. The letter, in which the King was puſhed ſo home to declare his diſapprobation of the conduct of the Iriſh recuſants, was directed to the earl of Leiceſter the lord lieutenant; therefore could be no ſecret. This circumſtance, with that of the houſe of Commons declaring at this time, that one great obſtruction to the relief of Ireland was, that the Iriſh had not been declared rebels by proclamation, obliged the King to iſſue out one, in which they were nominated traitors and rebels. To the King's printer was ſent an expreſs command, ſigned by Edward Nicholas, one of the ſecretaries of ſtate, that forty and no more ſhould be printed, and not any of them publiſhed till farther orders. The rebels gave little credence to the words of the proclamation, declaring it was either counterfeit or forced unwillingly from the King. They united themſelves in one body, under the ſtyle of The Confederate Roman-catholics of Ireland; binding themſelves to the confederacy by an oath

Ann. 1642.

Rapin, vol. XI. p. 283.

Borlaſe, p. 56.

Ann. 1642. oath of aſſociation, to maintain and defend the public and free exerciſe of the popiſh religion againſt all perſons that ſhould oppoſe the ſame; to bear faith and allegiance to the King and his heirs, and ſucceſſors; to defend them with their life, power, and eſtate, againſt all thoſe that ſhould attempt any thing againſt their royal perſons, eſtates, honours, and dignities, or that ſhould directly or indirectly endeavour to ſuppreſs their regal prerogatives.

CHAP. IV.

An ordinance to ſettle the militia by authority of parliament paſſes both houſes.——Reſolutions of the parliament concerning putting the kingdom into a poſture of defence.——Declarations and meſſages paſs between the King and parliament.——The parliament take meaſures to ſecure Hull, and to prevent the importation of foreign troops.——Farther precautions of the parliament.——The King offers to go in perſon to Ireland.——The parliament declare againſt the King's intention.——The King endeavours to ſecure Hull, but is foiled.——He declares Sir John Hotham a traitor.——The parliament juſtify their governor, declare the King's proceedings to be contrary to law, and take farther meaſures to ſecure the northern parts of the kingdom.——Papers paſs between the King and the parliament on the buſineſs of Hull.——The King refuſes the parliament's bill to ſettle the militia.——Declarations on both ſides.——The King iſſues out a proclamation which the parliament countermands.——Nine peers impeached by the parliament.——The King levies forces under the guiſe of a guard

a guard.——The parliament ſecure to themſelves the command of the fleet, and take other meaſures to prepare againſt the threatened war.——Declarations.——Littleton the lord-keeper leaves the parliament, and carries the great ſeal to the King.——The parliament ſend nineteen propoſitions to the King, which are rejected.——The King diſavows an intention of levying war on the parliament, yet takes meaſures to put himſelf in a military poſture.——On receiving foreign ſupplies, he declares war on his oppoſers.——Endeavours in vain to get the command of the fleet.——Fruitleſs expedition againſt Hull.——The parliament paſs a vote for raiſing an army, and prepare for defence.——They ſend propoſitions to the King for peace, which are rejected.——Goring the governor of Portſmouth declares for the King.——The King publiſhes a declaration againſt the parliament, in which he requires his ſubjects to repair to his ſtandard at Nottingham. Ann. 1642.

IT was at this period that the nation was convinced of the truth of thoſe arguments which had been urged by the popular leaders in the debates on paſſing the remonſtrance, viz. that vigilant counſels and vigorous meaſures were neceſſary to ſecure to the public the good laws which had paſſed this parliament *.

* What theſe popular leaders particularly alluded to, was the intended impeachment of the ſix members. They had intelligence of this deſign from the committee appointed to watch the King's actions in Scotland, who procured the return of the forged ſubſcription of names, which had been affixed to Saville's invitation. Theſe men, by their great abilities, directed all the movements of the Scots in regard to Great Britain: They were of the committee to treat with the commiſſioners of that kingdom, in all affairs that concerned the peace of the two nations.

Ann. 1642. There was now no queſtion, that the King intended, by the accuſation of the ſix members, to lay the ground for reſcinding all thoſe conceſſions which had reformed and limited his government; that he looked on them as attained by violence, and therefore invalid; and that he was arming himſelf with powers to put this logic in practice *. The parliament being well informed of the queen's tranſactions in Holland, of a treaty on foot with the King of Denmark, of applications which had been made by the Papiſts to the courts of Spain and France to furniſh troops to aſſiſt the regal and catholic cauſe, begun to exert with vigour the full force of parliamentary authority to preſerve the civil and religious liberties of the kingdom. The ſeveral commiſſions which had been granted under the great ſeal for lieutenancies of counties were called in and cancelled, and an ordinance of militia, in which the King's name and authority was left out, made its way through both

An ordinance to ſettle the militia by authority of parliament, paſſes both houſes, with reſolutions concerning putting the kingdom into a poſture of defence.

* On the occaſion of the King's paſſing the bill for taking away the biſhops votes in parliament, Clarendon obſerves, that an opinion that the violence and force uſed in procuring this bill rendered it abſolutely invalid and void, made the conformation of it leſs conſidered, as not being of ſtrength to make that good which was in itſelf null; adding, he doubted not ſuch logic had an influence upon other acts of no leſs moment. We may gather from the ſame hiſtorian, that the King looked on his conceſſions to the Scots as extravagant, and wreſted from his neceſſities; and that ſome of that nation had aſſured him, that when the troubles of the late ſtorm was perfectly calmed, they would repeal whatſoever was unreaſonably extorted.

† From the vote for cancelling theſe commiſſions, the earl of Southampton, the lords Mowbray, Howard, and Seymour, diſſented.

houſes

houſes with little oppoſition *. An order at the ſame time paſſed, that the lord high admiral ſhould take effectual care that all ſhips belonging to the royal navy ſhould be made fit for ſervice; and that the maſters of trading veſſels ſhould be deſired to prepare their ſhips in ſuch a readineſs; that on an emergent occaſion they might be put to ſea at a ſhort warning †. To juſtify the grounds of thoſe fears and jealouſies which occaſioned the parliament to exert powers unauthorized by the common forms of the conſtitution, a declaration in anſwer to the reply which had been made by the King to their laſt meſſage concerning the militia, was ſent to him whilſt on his journey to York ‡.

Ann. 1642. Journals of Commons, vol. II. p. 466.

Declarations and meſſages paſs between the King and parliament.

* In the upper houſe diſſented thoſe lords who had proteſted againſt the vote for putting the kingdom into a poſture of defence; with the lords Rich, Howard de Charlton, and Saville. The arguments urged for the legality of the ordinance, were drawn from precedents in the reign of Edward I. during the abſence of this king, who returned not to England till two years after the deceaſe of his father, Henry III. and from precedents during the minority of Henry VI. and Edward VI. In one of the debates concerning this ordinance, Whitlock, a lawyer of eminence, gave an opinion, That the power of the militia was neither in the King alone, nor in the parliament: That if it was any where, in the eye of the law, it was in the King and parliament conſenting together. *Parl. Hiſt.* vol. X. p. 280, *& ſeq.*

† Among other advertiſements of foreign preparations, the two houſes had received advice from Sir Philip Carteret, governor of Jerſey, that the French had lately encreaſed their forces, and were drawing down to the ſea-ſide 7000 men, raiſed in the provinces of Normandy and Picardy, beſides 5000 appointed to be raiſed. *Journals of the Commons*, vol. II. p. 498.

‡ In this it is aſſerted, that the deſign of altering the religion of the country had been carried on for many years, by thoſe in greateſt authority under the King, aſſiſted with the queen's agent at Rome, and the

Ann. 1642. THE juſtneſs, freedom, and manlineſs of the ſtrain of the parliament's expoſtulations gave a greater ſhock

pope's nuncio here: That the war with Scotland, invited and fomented by the Papiſts, was procured for this intent: That the rebellion in Ireland was framed in England: That, by the tumultuary and ſeditious carriage of the Papiſts in England, their ſuſpicious meetings and conſultations, with ſeveral advertiſements and teſtimonies from Ireland, it was to be concluded, that their intention was to riſe at the ſame time: That with the deſigns of theſe agreed the public declaration of the Iriſh rebels, that they would recover to his majeſty his royal prerogative, wreſted from him by the Puritan faction in the Engliſh parliament; and that they would maintain epiſcopal juriſdiction. To ſtrengthen this ſuſpicion, the declaration notices a deſign, ſtyled The Queen's Pious Intention; for ſucceſs of which the pope's nuncio enjoined faſting and prayer to be obſerved every week by the Engliſh Papiſts: The boldneſs of the Iriſh rebels, in affirming, they did nothing but by authority from the King: Their ſtyling themſelves The Queen's Army, and marking the booty taken from the Proteſtants with the queen's mark: The manifold attempts there had been to debauch the late army, the army of the Scots, and to raiſe a faction in the city of London, and other parts of the kingdom: That thoſe who had been actors in theſe buſineſſes had their dependance, countenance, and encouragement from the court. To evince this, the declaration notices, that Mr. Jermyn and others had been tranſported beyond ſea, by a warrant from the King's own hand, when he had given aſſurance to the parliament, that he had laid a ſtrict command on all his ſervants, that none of them ſhould depart from court: The petition delivered to captain Legge, by the King, and accompanied with a direction, ſigned C. R. was remembered: The accuſation of the ſix members, and intended violence on the houſe of Commons: The entertaining of diſbanded officers, ſoldiers, and others, and countenancing them in their violent acts: The endeavouring to gain the gentlemen of the Inns of courts: The endeavouring to infuſe an ill opinion of the parliament throughout the kingdom, and other ſymptoms of a diſpoſition to raiſe arms: The ſending away the lord Digby, by an expreſs warrant, after his attendance had been required in parliament: The purport of his letters to the queen, "That the King ſhould declare himſelf, and retire to a place of ſtrength in the kingdom:" His offering to entertain correſpondence

to the King's monarchical prejudices than he had yet through the whole courſe of the controverſy ſuſtained. Ann. 1642.

dence with the queen by cyphers, intimating ſome ſecret ſervice he was to do. "This malicious counſel, ſays the declaration, we have great cauſe to doubt, made too deep an impreſſion in your majeſty, conſidering the courſe you are pleaſed to take, of abſenting yourſelf from your parliament, and carrying the prince with you." With the ſuſpicions ariſing from this conduct concurred advertiſements from France, Rome, Veniee, and other parts, where it was expected that the King had ſome great deſign in hand, for the altering religion, and breaking the neck of the parliament; and that the kings of France and Spain had been ſolicited by the pope's nuncio, to lend four thouſand men a-piece, to help to maintain the King's royalty againſt his parliament. "Theſe, ſays the declaration, are ſome of the grounds of our fears and jealouſies, which made us implore your royal authority and protection for our defence and ſecurity; which being denied by your majeſty, ſeduced by evil counſel, we do with ſorrow, for the great and unavoidable miſery and danger which thereby is like to fall upon your own perſon and your kingdoms, apply ourſelves to the uſe of that power, for the ſecurity and defence of both, which, by the fundamental laws and conſtitutions of this kingdom, reſides in us, ſtill reſolving to keep ourſelves within the bounds of allegiance to your ſacred perſon and your crown. We have, according to your majeſty's deſire, laid our hands upon our hearts; we have ſearched our affections and our thoughts; conſidered our actions, and we find none that can give your majeſty any juſt occaſion to abſent yourſelf from Whitehall; but that you may with more honour and ſafety continue there than in any other place. We beſeech your majeſty to conſider in what ſtate you are, how eaſy and fair a way you have to happineſs, honour, greatneſs, plenty, and ſecurity, if you will join with the parliament and your faithful ſubjects, in defence of the religion and public good of the kingdom. This is all we expect from you; and for this we ſhall return to you our lives, fortunes, and uttermoſt endeavours to ſupport you in your juſt ſovereignty and power over us: But it is not words that can ſecure us in theſe our humble deſires; we cannot but too well and ſorrowfully remember what gracious meſſages we had from you this ſummer, when, with your privity, the bringing up of the army was in agitation; we cannot but with the like affections recal to our minds, how, not two

days

Ann. 1642. "He was ſorry in the diſtractions of the kingdom, he ſaid, that the parliament ſhould think this way of addreſs to be more convenient than that propoſed by his meſſage of the twentieth of January laſt. For his fears and doubts, he did not think they would have been thought ſo groundleſs or trivial, while ſo many ſeditious pamphlets were looked on, and ſo great tumults remained unpuniſhed and uninquired into. He aſked the meſſengers, what they would have? Had he violated their laws? Had he denied to paſs any one bill for the care and ſecurity of his ſubjects? Had any of his people been tranſported with fears and apprehenſions, he had offered as free and general a pardon as themſelves could deviſe *. God ſo deal with him and his,

days before you gave directions for the above-mentioned accuſation, and your own coming to the Commons' houſe, that houſe received from your majeſty a gracious meſſage, That you would always have the ſame care of their privileges as of your own prerogative, of the ſafety of their perſons as of your own children. That which we expect, and which will give us aſſurance that you have no thoughts but of peace and juſtice to your people, muſt be ſome real effect of your goodneſs to them, in granting thoſe things which the preſent neceſſity of the kingdom doth enforce us to deſire; and, in the firſt place, that your majeſty will be graciouſly pleaſed to put from you thoſe wicked and miſchievous counſellors, who have cauſed all theſe dangers and diſtractions; and to continue your own reſidence and the prince's near London and the parliament. This, we hope, will be a happy beginning of contentment and confidence between your majeſty and people, and be followed by many ſucceeding bleſſings of honour and greatneſs to your majeſty, and of ſecurity and proſperity to them." To this declaration was affixed ſome additional reaſons, urging the inconveniencies and dangers that muſt ariſe from the King's abſenting himſelf from parliament. *Parl. Hiſt.* vol. X. p. 337, *&c ſeq.*

* This offer was not at all agreeable to the views of the popular leaders; it would have ſcreened all the great delinquents who had been impeached

as all his thoughts and intentions were upright for the maintenance of the true Proteſtant religion, and for the obſervation and preſervation of the laws of the land †." On the King's aſking what he had denied the parliament, the earl of Holland inſtanced the militia. The King replied, he had not denied it, and they were much miſtaken if they thought his anſwer to it was a denial: But on being preſſed by the earl of Pembroke to declare whether he would grant it for a time, as the parliament deſired it, he ſwore by God not for an hour. "The buſineſs of Ireland, he told them, would never be done in the way they were in; four hundred would never do it, it muſt be put into the hands of one: if he were truſted with it, he would pawn his head to end that work; and though he was a beggar, yet by God he ‡ could find money for that." Ann. 1642.

On the return of their meſſengers, the parliament proceeded to paſs ſeveral votes for the putting the king- Journals of Commons. vol. II. p. 479.

impeached in parliament from farther cenſure and puniſhment; and it would have implied a principle in the conſtitution very convenient to the King's ſchemes, and very dangerous to public Liberty, viz. That the leaders of the oppoſition to the late tyrannical adminiſtration had, by their exertions in defence of Freedom, acted unconſtitutionally, and had incurred a legal offence.

† By the true Proteſtant religion Charles always meant thoſe particular forms and ſuperſtitious ceremonies, which the parliament had exploded; and by the laws of the land, that fond idea of regal power he had entertained, and endeavoured to put in practice.

‡ Theſe ſtrong aſſeverations were reckoned, in theſe ſober, virtuous times, a very indecent manner of expreſſion, and were only uſed by the courtiers, and others of looſe morals.

dom

Ann. 1642. dom into a poſture of defence; one of theſe was to the following purport: That in caſe of extreme danger, and of his majeſty's refuſal, the ordinance agreed on by both houſes for the militia did oblige the people, and ought to be obeyed by the fundamental laws of the kingdom *. The very day after paſſing theſe reſolutions a meſſage was received from the King, ſignifying that he was then on his remove to the city of York. In this meſſage he artfully urged the expediting the buſineſs of Ireland, becauſe it was a popular topic, and he knew that the parliament was ſo entangled in their preparations in defence of the liberties of England, that they could not at this time attend to the unhappy circumſtances of that kingdom, without endangering the freedom of the whole empire. He told them, that as he had been ſo tender of the privileges of parliament, as to have been ready and forward to retract any act of his own, which he had been informed had trenched upon them, ſo he expected an equal tenderneſs in them of his known and unqueſtionable privileges, which were the privileges of the kingdom: amongſt which he was aſſured it was a fundamental one, that his ſubjects could not be obliged to obey any act, order, or injunctions, to which he had not given his conſent. In the concluſion he recommended to them the ſubſtance of his meſſage of the twentieth of January; that they would compoſe and digeſt with all ſpeed ſuch acts as they ſhould think fit for the preſent and future eſtabliſhment of their privileges, the free and

* In the houſe of Lords the ſix following peers diſſented: Earls of Bath, Southampton, Cleveland, Newport; lords Dunſmore and Capel.

quiet

quiet enjoying of their eſtates and fortunes, the liber- Ann. 1642.
ties of their perſons, the ſecurity of the true religion now profeſſed in the church of England, the maintaining his regal and juſt authority, and ſettling his revenue *.

BOTH houſes were highly exaſperated at the receipt of this meſſage; the very day before they had voted that their ordinance of the militia ought to be obeyed; ſo that they concluded that the King's meſſage being pointed at, theſe votes could not have been ſent from Huntington, where the King then was, but muſt have been inſerted in blanks left in the town. The fire of reſentment was firſt kindled in the upper houſe. The Lords voted, "That when the parliament, which is the ſupreme court of the kingdom, ſhall declare what the law of the land is, to have that not only queſtioned and controverted but contradicted, and a command that it ſhould not be obeyed, is a breach of the privileges of parliament." † This, and other their reſolutions con- Clarendon's Hiſt. vol. I. p. 354.

* This invitation was plauſible to the public, and did not engage Charles to ſtand to any conceſſions he did not approve. He could always diſpute with the parliament on the queſtion, what was true religion? and thoſe conditions they might think neceſſary for the ſecuring public Liberty, and the privileges of parliament, he would object were derogatory to his regal and juſt authority.

† For the parliament, or any power of the kingdom, to be poſſeſſed of ſuch an abſolute authority in the declaring law, that ſuch declaration is not to be queſtioned nor controverted, muſt be productive of much tyranny. The law ought to be ſo clearly expreſſed, that it ſhould be obvious to public and private underſtanding. This vote was paſſed to fit a particular caſe, and levelled only at kingly authority, not meant to affect private individuals; and thus explained by the parliament in

Ann. 1642. cerning the neceſſity of enforcing the ordinance of the militia, was confirmed by the Commons. At the expreſs deſire of the Lords, a committee was appointed to find out by whom the King's meſſage was framed; and ſome farther reſolutions paſſed in condemnation of thoſe evil counſellors who adviſed the king to courſes ſo deſtructive to the peace of the kingdom.

To that declaration of the parliament, which contained the reaſons of their fears and jealouſies, an anſwer at large was returned by the King *.

one of their declarations: "That is turned into a general aſſertion, ſay they, which in our votes is applied to a particular caſe." *Parl. Hiſt.* vol. XI. p. 28.

* To the particulars urged againſt him, he replied in generals, or endeavoured to weaken their force by futile prevarications. To the article of altering religion, he wiſhed that the judgments of God might be manifeſted on thoſe who had any ſuch deſign. To the Scotch troubles, the act of oblivion had ſtopped his mouth from any reply. To the rebellion in Ireland being framed in England, he deſired the parliament to find out the authors and maintainers of it; and, for the clearing his own innocence, he laid a great ſtreſs on the expreſſions of zeal he had ſhewed for reducing the rebels, adding, that he was ready to venture his royal perſon for the redemption of his Proteſtant ſubjects, well knowing that as his intereſt was more concerned in them, ſo he was to make a ſtrict account to Almighty God for any neglect of his duty for their preſervation. To the plot againſt the parliament, he denied that he was privy to any reſolution in the army to force it; becauſe, as it has been before obſerved, though he knew all the circumſtances of the plot, yet the army could not be brought to agree to what had been propoſed of this kind by the queen and her cabal. For the proceedings againſt the ſix members, he hoped that his proteſtation on that head would ſo far have ſatisfied the parliament of his intention, that they would have entertained no other imagination of that deſign than was therein expreſſed. For Mr. Jermyn, he was gone from White-hall before he received the deſires of both houſes, for the reſtraint

of

MANY were the declarations and meſſages paſſed between the King and parliament, during the progreſs of his journey to York. The king endeavoured to perſuade the public, that he had granted every thing he ought to grant, to give the parliament ſatisfaction. The parliament, by juſt comments on his conduct, convinced the diſcerning part of the nation, that, at the very time that they had in a manner forced his aſſent to their neceſſary demands, he had been and was now contriving the means to invalidate thoſe conceſſions. Ann. 1642. Parl. Hiſt. vol. X. p. 374, & ſeq.

of his ſervants. For the lord Digby, he aſſured them, that he had his warrant to paſs the ſeas, and had left the court before he had heard the vote of the houſe of Commons, or had any cauſe to imagine his abſence would have been excepted againſt. For their foreign advertiſements, he was confident no ſober or honeſt man in the kingdom could believe that he would be ſo ſenſeleſs as to entertain counſels that would not only bury his kingdom in ſudden deſtruction, but his own name and poſterity in perpetual ſcorn and infamy. The King finiſhed his declaration with magnifying his grace and juſtice, in paſſing thoſe acts to which the parliament had extorted an unwilling aſſent; and told them, "That if, for his ſecurity, the laws of the land and good government in the city of London is revived; he would overtake their deſires, and be as ſoon with them as they could wiſh."

The King's perſon never was in any danger from the London tumult, but it was convenient to his purpoſe to make uſe of ſuch a pretence to excuſe his retiring from his parliament. In another meſſage he told them, "That they muſt not expect his preſence until they had both ſecured him concerning his apprehenſions of tumultuous inſolences, and given him ſatisfaction."

Mr. Jermyn was tranſported out of the kingdom, by the King's warrant, after he had promiſed the parliament that none of his ſervants ſhould depart from court. On the prevaricating circumſtance of the warrant's being anti-dated, he denied this fact, and exclaimed, whilſt the article was recited to him by the meſſengers of the parliament, "That's a lie! that's falſe!"

Ann. 1642. To the accuſation he had flung out in his ſpeech, of their encouraging tumults, they obſerved, That if any extraordinary concourſe of people, out of the city of Weſtminſter, had, in his apprehenſion, the face and ſhew of tumult and danger, it would appear to be cauſed by his denial of ſuch a guard to the parliament as they could confide in; and by taking into Whitehall ſuch a guard to himſelf as gave juſt cauſe and jealouſy to the parliament, and of terror and offence to the people. To that queſtion, whether he had violated their laws? they deſired him to remember, that the government of the kingdom, before the meeting of this parliament, conſiſted of many continued and multiplied acts of violation of laws, the wounds whereof were ſcarcely healed, when the extremity of all thoſe violations was far exceeded by the proceedings againſt the ſix members. To his queſtion, whether he had denied any bill for the eaſe and ſecurity of his ſubjects? they acknowledged that many good bills had paſſed; but obſerved, that at the time of paſſing them, ſome deſign or other had been on foot, which, had it taken effect, would not only have deprived them of the fruit of thoſe bills, but have reduced the kingdom to a worſe condition than the parliament found it in. To the queſtion, whatthey had done for the King? they anſwered, That the defraying the charges of thoſe miſchiefs which bad adminiſtration had occaſioned, would coſt the kingdom more than two millions; an expence which ought to have been born by the crown. As for his majeſty's offered pardon, that could be no ſecurity for their fears and jealouſies, which did not ariſe from any guilt of their own actions, but from the evil deſigns and attempts of others. To this

this poignant anſwer was added informations they had received from the deputy-governor of the merchant-adventurers at Rotterdam, concerning the lord Digby's negociations of an army that was to be tranſported from Denmark to Hull; concluding with intreating the King to calm the fears of his people, by a return to his parliament *. Ann. 1642.

THE ſecurity of Hull, and to prevent the importation of foreign troops, was now become the particular object of this aſſembly. An expreſs was ſent to Sir John Hotham, to ſuffer no foreign ſhips to come into the harbour, without ſtrict examination; nor to receive any Engliſh, or other troops, into the town, but ſuch as both houſes ſhould direct; that the mayor of Hull, and all other his majeſty's officers and ſubjects, were to aſſiſt him in this order, as they ſhould anſwer the contrary at their peril. The lord-admiral was deſired to enquire the reaſon why one of the King's ſhips was left behind in Holland; how it was to be employed; and when it was to return: likewiſe to command the ſhips at ſea to examine all veſſels that paſſed between Holland and Hull, and to ſend ſome ſmall frigates northward of Hull, to give intelligence of any arma-

The parliament take meaſures to ſecure Hull, and to prevent the importation of foreign troops.

Journals of Commons, vol. II. p. 487, & ſeq.

Parl. Hiſt. vol. X. p. 372, 378.

* The inhabitants of Rutland preferred a petition to the ſame purport, as the King paſſed through that county in his way to York. The King, in anſwer to this meſſage of the parliament, aſſures them, "That no ſtreights or neceſſities ſhould ever compel him to do that which the reaſon and underſtanding God had given him, and the honour and intereſt with which God had intruſted him, for the good of his poſterity and kingdom, ſhould render unpleaſant and grievous to him. *Journals of the Commons*, vol. II. p. 503.

ment

Ann. 1642. ment likely to come from Denmark thither; and to enquire of all ships that came out of the Sound, what preparations of land and sea-forces there were about Elsenore. The lord-lieutenants and high-sheriffs of the northern counties were ordered to suppress all forces which should be raised without the direction of parliament, and to take an especial care of Newcastle, Hull, and other towns on those coasts.

Precautions of the parliament.

The King, not finding the dispositions of the people so favourable to his interest as he had flattered himself the remoter counties from the capital were *, endeavoured to put in practice that part of the queen's counsel which related to his retiring into Ireland. He signified to the parliament, that he was resolved to go in person to suppress the rebellion. He intended, he said, to raise, by his commission in the counties near West-Chester, a guard consisting of two thousand foot and two hundred horse, to be armed from his magazine at Hull; that the officers and common soldiers should all take the oath of supremacy and allegiance; and desired the parliament would undertake the charge of paying them: but if that should be found too great a burden to his good subjects, he would be willing to sell or pawn any of his parks, lands, or houses, towards a supply. To facilitate the execution of this project, he offered to pass a bill which settled the militia

The King offers to go in person to Ireland. Parl. Hist. vol. X. p. 427, & seq.

* The King, on his first coming into the county of York, was petitioned by the inhabitants to declare fit means and expedients to take away misunderstandings between him and his parliament. *Rushworth*, vol. IV. p. 613.

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in the hands of the parliament for one year, and called God to witneſs, that he would not decline any hazard of his perſon in performing that duty which he owed to the defence of God's true religion and his diſtreſſed ſubjects; nor would he ever conſent, upon whatſoever pretence, to a toleration of the popiſh religion, nor to the abolition of the laws in force in that kingdom againſt popiſh recuſants *. Ann. 1642.

THE party he had to deal with were too well apprized of his deſigns, and the tickliſh ſituation of affairs, to be caught with the bait. Both houſes reſolved upon the queſtion, *nemine contradicente*, That it would be moſt dangerous and unſafe to conſent to his majeſty's going into Ireland †. Rouſed and alarmed with fears, that the King would by this means put himſelf at the head of two large armies, the one under Ormond, and the other under the rebel commanders, they drew up a petition, in which they teſtified ſome reſentment at the King's reſolving on a matter of that importance,

The parliament declare againſt the King's going to Ireland.

* The King declared, "That he was grieved at the ſoul for the calamities of his good ſubjects of Ireland: That, out of his pious zeal for the honour of Almighty God, in eſtabliſhing the true Proteſtant profeſſion in that kingdom, and his princely care for the good of all his dominions, he had firmly reſolved to go with all convenient ſpeed into Ireland, to chaſtiſe thoſe wicked and deteſtable rebels, odious to God and all good men." The King had more than once before made the ſame offer of going into Ireland; but the parliament waved the returning any anſwer. *Rapin*, vol. XI. p. 437.

† For reaſons obvious, the King's moderate friends, as well as opponents, were very much againſt his going into Ireland. Clarendon ſays, it was a counſel communicated to very few, without conſideration of the objections that would naturally ariſe againſt it.

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Ann. 1642. without the advice of his parliament; alleging the following reaſons againſt the intended expedition: Danger to the king's perſon; inconvenience of his abſence; the inſecurity of the adventurers, who, foreſeeing an improvident peace, would pay in no more money upon their ſubſcriptions; that it would encourage the rebels, who profeſſed the King did allow of their proceedings; that it would encreaſe the fears and jealouſies of this nation, who would ſuſpect ſome force was intended. The petition concluded with the following peremptory declaration: "That they could not conſent to any levies or raiſing of ſoldiers for Ireland, or to the payment of them, but ſuch as ſhould be employed and governed by their directions: That if ſuch levies ſhould be made, not agreed to by them, they ſhould interpret the ſame to be raiſed for the diſturbance of the public peace; and ſhould apply the authority of parliament to ſuppreſs the ſame: That if his majeſty ſhould be perſuaded to go to Ireland, contrary to their advice, they would not ſubmit to any commiſſioners he ſhould chuſe; but did reſolve to preſerve and govern the kingdom by the advice of the two houſes *; and therefore they humbly intreated him to deſiſt, to return to his parliament, and leave the management of the Iriſh war entirely to them." With this petition paſſed a reſolution, declar-

* In the King's anſwer to this petition, he aſſerted, "That a commiſſion to govern the kingdom had always been uſed by his progenitors, during abſence, whilſt a parliament was ſitting; and it was what themſelves had deſired, at his laſt going into Scotland." It may be worth obſerving, that the King now urged that to be conſtitutional, which he had diſputed as illegal, when demanded on an occaſion not ſo agreeable to his views.

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ing any man an enemy to the ſtate, that ſhould endea- Ann. 1642.
vour to raiſe forces for Ireland, or continue any forces ſo raiſed, without the conſent of both houſes *.

To theſe peremptory determinations the King was obliged to ſubmit, fearing a fate ſimilar to that of Richard the Second, who, on his return from Ireland, found himſelf totally diſpoſſeſſed of his ſovereignty in England. Foiled in this buſineſs †, he turned his thoughts towards getting poſſeſſion of the important fortreſs of Hull ‡. The parliament, jealous of his near neighbourhood to this place, had given Sir John Hotham orders to introduce into the town eight hundred of the Yorkſhire militia; and though this reinforcement, with the ordinary garriſon and natural ſtrength of the place, was ſufficient to repel any force the king could bring againſt it, yet fearing treachery, they had petitioned

* The Scots privy-council, on the King's ſignifying to them his inclination to go in perſon to Ireland, ſhewed, by the objections they raiſed, a great diſlike to the propoſal.

† A buſineſs which, as Clarendon, who was at this time one of his great counſellors, ſays, had he carried into execution, he would ſpeedily have reduced Ireland, and brought his other two kingdoms into proper bounds; that is, he would have brought all thoſe Iriſh Proteſtants, who did not admit of an abſolute power in the crown, under ſubjection; and, with the aſſiſtance of the rebels and the malignant party, who declared themſelves partizans to prerogative, would have ſubdued the ſpirit of Liberty in England and Scotland. *Clarend. Hiſt.* vol. I. p. 393.

‡ If the parliament had been credulous enough to have given way to the King's propoſition concerning Ireland, he might have employed the new-raiſed levies in the reduction of Hull; and then, having ſecured that important fortreſs, might have paſſed over, and put himſelf at the head of the Iriſh army. *Rapin*, vol. XI. p. 440.

Ann. 1642. the King to permit the removal of the magazine in the Tower of London, its ſtores being much exhauſted with arming both the Engliſh and Scotch forces then employed in Ireland. This having been denied, it was reſolved by the Lords, and then by the Commons, That it was neceſſary the magazine of Hull ſhould be removed to the Tower of London; and orders were ſent to prepare ſhips for its tranſportation *.

The King endeavours to ſecure Hull, but is foiled in the attempt.

CHARLES, on ſome hopes of cajoling Sir John Hotham into a breach of truſt, ſent his ſon the duke of York, the elector palatine, and ſeveral other of the no-

* Sir Richard Hutton, not the judge of that name, but the ſon of archbiſhop Hutton, had petitioned the King to take meaſures for the continuance of the magazine at Hull, "Becauſe, ſays the petition, that part ſhould be beſt provided where your ſacred perſon doth reſide; your perſon being, like David's, the light of Iſrael, and more worth than ten thouſand of us." On a motion of the Commons, the Lords paſſed an order, That theſe petitioners ſhould be ſent for as delinquents, for being active againſt the parliament. Obedience to the order was refuſed, on pretence of the King's warrant, wherein the petitioners were charged on their allegiance, and on pain of the King's heavy diſpleaſure, at their peril to ſtir out of the county, but there to abide, to attend his ſervice as he ſhould direct. A petition of a different kind was preſented to the King from others of the Yorkſhire gentry, well-affected to the parliament: it repreſented the other petition for continuing the magazine at Hull as the work of a few gentlemen only, and deſired his majeſty to apply himſelf to all good ways of union, that thoſe duties which, by the laws of God and man, they owed, and which were expreſſed in their laſt proteſtation, might not become a divided propoſition; ſince the defence of his majeſty's perſon, honour, and eſtates, the power and privileges of parliament, and the lawful rights and liberties of the ſubject, did all ſtrengthen each other; all which they would equally labour to preſerve, to the utmoſt of their powers, lives, and eſtates. *Parl. Hiſt.* vol. X. p. 454. *& ſeq.* 485. & vol. XI. p. 116.

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pility who had followed his fortune, into the town, where they were received with great civility and politeneſs by the governor. The next day, being the twenty-ſecond of April, he advanced with three hundred horſe, and diſpatched a meſſenger to Sir John Hotham with a letter, ſignifying, that he intended to viſit his town of Hull and magazine; that Sir John Hotham muſt provide for the reception of him and his train; he doubted not of his obedience, elſe he muſt make his way into the town, according to the laws of the land. Sir John Hotham, in great confuſion, called the chief magiſtrates of the town and officers of the garriſon to council. It was reſolved not to admit the King. A reſpectful meſſage was ſent, intreating him to forbear his intended viſit. On his nearer approach the bridge was drawn up, and the garriſon put into a poſture of defence. Charles with a loud voice demanded entrance. This, Sir John Hotham on his knees, and with much civility of language, pleading * his truſt from parliament, abſolutely refuſed. In vain did the King repeat his demand, offering to reduce his train to twenty perſons. He then deſired the governor to come out to him, on his word of ſafety and liberty to return. This the governor not chuſing to truſt, excuſed himſelf from obedience; nor would yield to other conceſſion, but Ann. 1642.

* During this parley ſome of the King's train, the ſame that attended him in his expedition to force the parliament, in an inſolent and impetuous manner called out to the towns-men to kill Sir John Hotham, and fling him over the walls. On their return to York, Sir Francis Worthly, and others, drew out their ſwords, and demanded who would be for the King? *Parl. Hiſt.* vol. X. p. 474, *& ſeq. Vicar's Parl. Chron.* p. 89.

Ann. 1642. that the King's ſon, and the reſt of his friends, ſhould be ſent out of the town *. Charles, enraged at his diſappointment, proclaimed Hotham a traitor, by two heralds at arms †; and, after having ſtaid five hours before Hull, returned to Beverley ‡.

The King declares Sir John Hotham a traitor.

* It is ſaid, from the authority of memoirs left to the Scotch college at Paris by the duke of York, that Hotham was well diſpoſed to have delivered up Hull to the King, but was deterred by a private letter he received from one of the King's gentlemen of the bed-chamber, aſſuring him that, if the King got admiſſion, he would hang him up, as a monument of vengeance againſt all parliament-commanders. Sir John Hotham did aver, that he received ſuch an intimation; and the King mentions it as a deceit of his enemies to prevent Sir John Hotham from giving him admittance. The parliament would not allow that ſuch an intimation ought to have been the ground of Hotham's conduct. After the King had retired from the town, he ſent a letter to the mayor of Hull, requiring him, the towns-men, and ſoldiers, not to obey their governor, nor to ſuffer the magazine to be removed. *Ruſhworth*, vol. IV. p. 584. *Parl. Hiſt.* vol. X. p. 474, *& ſeq.*

† "If the ſolemn proclaiming a man a traitor, ſaid the parliament, ſignifies any thing, it puts him, and all thoſe who any way aid and aſſiſt, or adhere unto him, into the ſame condition of traitors, and draws upon him all the conſequences of treaſon; and if this may be done by law, without due proceſs of law, the ſubject hath a very poor defence of the law, and a very ſmall, if any proportion of Liberty thereby; and it is as little ſatisfaction to a man that is expoſed to ſuch penalties to ſay, he ſhall have a legal trial afterwards, as it is to condemn a man firſt, and try him afterwards." *Parl. Hiſt.* vol. XI. p. 110.

‡ The King, on being refuſed admiſſion into Hull, commanded the ſheriff to raiſe the trained-bands, to force the town. Sir Richard Hutton, the judge, who executed the office of ſheriff, refuſed to obey the mandate, being, as he conceived, againſt law. On this, the King ſummoned the juſtices of the peace and gentlemen of the county, to attend him at York; aſked their advice concerning his not being admitted into his town of Hull; and demanded of them, "Whether they would defend his perſon from violence, according to their duty, or not?"

THE conduct of the governor of Hull was a very important incident towards the ſucceſs of the popular cauſe. It not only prevented the King from becoming maſter of the largeſt magazine of arms, and the moſt important fortreſs in the kingdom, which would have enabled him to enter on the war at leaſt on equal terms with the parliament; but Sir John Hotham being a man of fortune, who had an important ſtake in the country, his example had a great influence on the behaviour of others. Charles in very high terms demanded juſtice of the parliament againſt Sir John Hotham*. The parliament in as high language juſtified their governor, and reſolved, That he had done nothing, but in obedience to their commands: that the declaring him a traitor, being a member of the houſe of Commons, was a high breach of privilege: that the declaring him a traitor, without due proceſs of law, was againſt the liberty of the ſubject and the law of the land; and voted, That a committee of both houſes

Ann. 1642.

Parl. Hiſt. vol X. p. 457.

The parliament juſtify Sir John Hotham, and declare the King's proceedings to be contrary to law.

not?" To this they returned, "That they ſhould be ready to defend his majeſty's perſon from violence, by all ſuch ways as the laws and their duty bound them; and, for the means to vindicate his honour, and put him into poſſeſſion of his own, they conceived the beſt advice they could offer would be humbly to deſire his majeſty to hearken to the counſels of the parliament, who they aſſured themſelves would be careful of his perſon and honour." *Parl. Hiſt.* vol. X. p. 475, 483, *& ſeq.*

* The King, whilſt he ſent diſpatches, poſt after poſt, to the parliament, to demand juſtice for what he termed treaſon in Sir John Hotham, ſtopped all paſſage between Hull and London; ſo that it was ſome time before the houſes received a particular account of the tranſaction from Sir John Hotham, whoſe meſſengers were detained, and their diſpatches taken from them. *Journals of the Commons*, vol. II. p. 555.

Ann. 1642. The parliament take measures to secure the northern parts of the kingdom.

should be sent into the north, to take care of those parts, and of Hull *, by the assistance of the lord-lieutenant; to suppress all forces that should be raised either to force the town, or to stop any of the passages to or from it, or any other way to disturb the peace of the kingdom; and to return the thanks of the parliament to Sir John Hotham, and to all those who had been forward in their service to preserve the town.

Papers pass between the King and parliament on the subject of Hull.

INNUMERABLE were the papers that passed between the King and the parliament on this new subject of dispute. The King argued, that he was in a worse condition than any of his subjects; that, whilst they all enjoyed their privileges, and might not have their possessions disturbed, nor their titles questioned, he only might be spoiled, thrown out of his towns, and have his goods taken from him: that Hull was his own property; that the magazine lodged in it was his own goods, bought with his own money; that he had the same title to them that any of his subjects had to their houses, lands, plate, or jewels; that if the parliament, whose votes, he said, were of no authority without his consent, could alter descents, avoid purchases, and cancel conveyances, which is what they had done in regard to his right in Hull, what was his case to-day might be his subjects to-morrow. He asked, why the general

Rushworth, vol. IV. p. 569, & seq.

* The earl of Stamford, the lord Willoughby of Parham, Sir Edward Aysbough, Sir Christopher Wray, Sir Samuel Oxeld, and Mr. Hatcher, were the committee sent down on this errand, to reside at Hull; to these afterwards were added Sir John Wray, Sir William Strickland, Mr. Alured, Mr. Hotham, Mr. Pelham, and Mr. Wharton. *Parl. Hist.* vol. X. p. 470. *Journals of the Commons*, vol. II. p. 596.

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rumour of the deſign of the Papiſts in the northern parts, ſhould not be thought ſufficient ground for him to put a perſon of ſuch honour, fortune, and unblemiſhed reputation, into a fort of his own, as was the earl of Newcaſtle; and yet the ſame rumour be warrant enough to commit the care of it to Sir John Hotham, without his conſent? And how his refuſal to have the magazine moved, on the petition of both houſes, could give an advantage againſt him, to deprive him of it? He farther argued, that the ſhutting the gates of Hull againſt him, and reſiſting his entrance, was treaſon, on the letter of the ſtatute of the twenty-fifth of Edward the Third. "He had often heard, he ſaid, of the great truſt which, by the laws of God and man, was committed to the King for the defence and ſafety of the kingdom; but he had never yet underſtood what truſt or power was committed to either or both houſes of parliament *." Ann. 1642.

* The parliament argued on a very juſt diſtinction between the perſonal and the legal property of the King, who laid down that for a principle, they ſaid, which would deſtroy the foundation of the liberty, property, and intereſt of every ſubject in particular, and of all the ſubjects in general. His majeſty's towns were no more his own than his kingdom was his own, and his kingdom was no more his own than his people was his own. If the King had a property in his towns, what would become of the ſubjects' property in their houſes therein? If he had a property in his kingdom, what would become of the ſubjects' property in their lands, or of their intereſts in the towns and forts of the kingdom, or in the kingdom itſelf, if his majeſty might diſpoſe of them at pleaſure, or of their liberties; if he had the ſame right in their perſons that every ſubject had in their lands and goods? The erroneous maxim being infuſed into princes, that their kingdoms were their own, and that they might do with them what they would, as if their kingdoms were for them, and not they for their kingdoms, was the root of the miſery of ſubjects, and the invading their juſt rights and pro-

Ann. 1642. THE arguments urged by the parliament, in defence of their conduct, excited a reſentment which ſhung off

properties. They were only truſted with their kingdoms, their towns, their people, with the public treaſure of the Common-wealth, and whatſoever was bought therewith, for the good and ſafety, and beſt advantage thereof: by the known law of the land, the very jewels of the crown were not the King's proper goods. As the King was entruſted with all theſe, for the uſe and ornament of the kingdom, that truſt ought to be managed by the advice of the houſes of parliament, whom the people had truſted to ſee it diſcharged according to the condition and true intent thereof. At this time there were many plots and deſigns of force againſt the parliament and the kingdom; there were inveſions from abroad, intended to begin at Hull; and therefore, in regard to the great diſtance, and alienation of his majeſty's affections from his parliament, they had commanded Sir John Hotham to ſecure the town and magazine of Hull, for the ſervice of his majeſty and his people; and had juſtified him for executing their orders. Admitting that the King had indeed a property in the town and magazine of Hull, who doubted but that a parliament might diſpoſe of any thing wherein his majeſty, or any ſubject, had a right, in ſuch a manner as the kingdom might not be expoſed to hazard? They would not allow a few private perſons about the King, or even the King himſelf, in his own perſon, to be judge of the law; and that contrary to the higheſt court of judicature. For what his majeſty mentioned concerning the earl of Newcaſtle, they conceived it was a queſtion harder to be anſwered, Why, when it was thought neceſſary that a governor ſhould be placed in that town, Sir John Hotham, a gentleman of known fortune and integrity, of whom both houſes had expreſſed their confidence, ſhould be rejected, and the earl of Newcaſtle, who was named in the buſineſs of bringing up the army, ſhould be ſent down in a private way, to take upon him the government, under the guiſe of another name? For the accuſation of treaſon againſt Sir John Hotham, on the ſtatute of 25 Ed. III. that ſtatute had declared and inſtituted two diſtinct ſpecies of treaſon; the firſt to compaſs or imagine the death of the King, which ſecured his perſon in his natural capacity as a man; the ſecond reſpected the King's political capacity, the levying war againſt his laws and authority. The levying war againſt theſe, though not againſt the King's perſon, was levying war againſt the King; but the levying force againſt

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that reſtraint of modeſt language, in which the King's Ann. 1642.
circumſtances had for ſome time obliged him to cloath his perſonal commands, though accompanied with his preſence, and not againſt his laws and authority, but in the maintenance thereof, was not levying war againſt the King, as the ſtatute itſelf expreſſed; beſides the authority of book-caſes, and precedents of divers traitors condemned upon that interpretation thereof: for if the clauſe of levying war had been meant only of the King's perſon, what need had there been thereof, after the other branch of treaſon in the ſame ſtatute, compaſſing the King's death? Concerning the King's declaring Sir John Hotham a traitor, they aſſerted, That though the privilege of parliament did not extend to treaſon, felony, or breach of the peace, ſo as to exempt members of parliament from puniſhment, nor from all manner of proceſs and trial; yet it did privilege them in the way and method of their trial and puniſhment; that the parliament ſhould have the cauſe firſt brought before them, that they might judge of the fact, and of the grounds of the accuſation, and how far their trial might concern the privilege of parliament; otherwiſe it would be not only in the power of the King, but of any man, under pretence of treaſon, felony, or breach of the peace, to take any member from his ſervice in parliament, and ſo as many, one after another, as he pleaſed; which would be a breach of ſo eſſential a privilege of parliament, as that its very being depended on it. If they had made any precedents, they ſaid, they had made them for poſterity, upon the ſame or better grounds of reaſon and law, than thoſe on which their predeceſſors had made any forms; and, as ſome precedents ought not to be rules for them to follow, ſo none could be limits to bound their proceedings, which muſt vary according to the different conditions of times. As to the meſſage of the twentieth of January, they alledged that, as often as it had been repeated, their privileges had been infringed by proſcribing a way and method of proceeding to them; but in reſpect of the matter contained in it, they had excuſed points of ceremony, and ſhould ere this time have preſented the chief of their deſires to the King, had they not been interrupted with continual denials of thoſe things that were neceſſary for their preſent ſecurity and ſubſiſtence; and had not thoſe denials been followed with ſuch perpetual invectives againſt them, that they had little encouragemenr to hope for any favourable anſwer to their deſires. Evil counſel, they ſaid, had not only ſeparated the King

Ann. 1642. his pretenſions. "We are truſted by God and the law, ſays he, and have taken an oath to diſcharge that truſt for the good and ſafety of our people: may any thing be taken from a man becauſe he is truſted with it? Nay, may the perſon himſelf take away that right when he will and how he will *? The law hath been otherwiſe; and we believe will be ſo held, notwithſtanding their declaration. But this truſt ought to be managed by their advice. Impoſſible! that the ſame truſt ſhould be irrevocably committed to us and our heirs for ever; and the ſame truſt, and a power above that truſt, be committed to others. Did not the people that ſent them look upon them as a body temporary and diſſolvible at our pleaſure? and can it be believed that they intended them for our guardians and comptrollers in the

from his parliament in diſtance of place, but in diſcharge of the joint truſt with them, for the peace and ſafety of the kingdom: they intreated him to return to his parliament, which would put him into poſſeſſion of his town of Hull, and other claims of ſovereignty.

Clarendon, either himſelf deceived by prejudice and paſſion, or intending to deceive others, ſpeaking of the immediate time of paſſing this declaration, ſays, "That in debates of the higheſt conſequence there was not uſually preſent in the houſe of Commons the fifth of their juſt number;" whereas it appears, by a diviſion on a clauſe of the above declaration, that there were 164 members preſent at the paſſing it. Thus does this ſolemn author eſtabliſh falſhood for fact; and then, by a long ſtring of arguments, deduced from falſe poſitions, draw thoſe concluſions which beſt ſuit his purpoſes.

The ſtatutes of 11 Rich. II. and 1 Hen. IV. enacted thirty-four years after the ſtatute of 25 Ed. III. authoriſe the opinion aſſerted in the parliament's declaration concerning the diſtinction between the political and the natural capacity of the King, in regard to treaſon. *Huſbands's Collections*, 4to Ed. p. 263, *& ſeq.*

* This is a point of the doctrine of indefeaſible right.

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management of that truſt which God and the law hath granted to us and our poſterity for ever*? What the extent of their commiſſion and truſt is, nothing can better teach them than the writ whereby we called them: and without that call they could not have come together †, "to be our counſellors, not commanders." For however they frequently confound them, the offices are ſeveral; and counſellors not in all things but in ſome things. They may eaſily find among their precedents that queen Elizabeth, upon whoſe good time all good men look with reverence, committed one Wentworth, a member of the houſe of Commons, ſitting in the houſe, but for propoſing that they might adviſe the queen in a matter ſhe thought they had nothing to do to med- Ann. 1642.

* The King here, and in the words *irrevocably committed to us*, plainly claims an indefeaſible right for himſelf and heirs to the government of the country.

† It is true, it was the King's office to call parliaments; but this is no argument that it was entirely in his election to do it or not. Parliaments have always been conſidered as one of the indiſputable privileges of Engliſhmen; nor could the juſt adminiſtration of government be carried on, nor its exigencies be ſupplied, without the concurrence of the three eſtates. Charles had put in practice many illegal powers to maintain the authority of ſovereignty in his own perſon, and was at length urged by ſtrong neceſſity, not by inclination, to call a parliament; the ſpirit of the conſtitution, and the virtue of the people, getting the better of an iniquitous reſolution he had taken, to be troubled with none of theſe popular aſſemblies, till he had eſtabliſhed his abſolute ſovereignty in a manner that ſhould oblige them to coincide with his purpoſes; that is, to yield up all pretenſions to legiſlation, to become inſtruments of levying heavy taxes on the people, and to give counſel when their advice was aſked. This was the King's idea of the conſtitutional privileges of parliaments; and this he always means, when he declares it is his intention to ſupport their juſt rights.

Ann. 1642. die in*. Were not the parliament trusted by us, continues this King, when we first sent for them? And were they not trusted by us, when we passed them our promise, that we would not dissolve them? Can it be presumed, that we trusted them with a power to destroy us; and to dissolve our government and authority †? Were they not trusted by those that sent them? and were they trusted to alter the government of church and state, and make themselves perpetual dictators over the King and people ‡?"

* The arbitrary authority exercised by this queen is the model to which Charles offered to reduce his power, after all those advantages the popular interest had gained, by a spirited opposition to his tyrannical administration.

† The act of the continuance of the parliament was not a matter of Charles's election: the parliament had voted tonnage and poundage for no longer a period than two months; and as this branch was more than half the revenue, the King could not support his government without it. It was therefore in the power of the parliament to continue themselves as long as they pleased, or as the people would submit to their authority; seeing the King, at this time, was not in a condition to enter into the extremities of a civil war, and thus to defend any new violation of law.

‡ On the subject of this dispute concerning Hull, Charles quoted a statute made in 11 Hen. VII. to provide in those times, when the possession of the crown was very precarious, for the security of those who should adhere to the acknowledged king. The parliament argued, That the meaning of this statute, which provided that none that should attend upon the King, and do him true service, should be attainted or forfeit any thing, if construed in a constitutional sense, secured all those that followed the judgment of parliament for their guide: the duty of allegiance was expressed in this statute to be, to serve the King, for the time being, in his wars for the defence of him and the land; and not following the king in any case whatsoever against the kingdom and its laws. It must be understood to be following him against the law of the land,

THE militia bill, which the King had offered the parliament, granted the power for one year to thoſe who had been nominated by the two houſes in their firſt ordinance, ſubjecting the execution of this truſt to the authority of the whole legiſlature, whilſt the King was in England; and to the two houſes only, during his abſence. Many of thoſe who had been nominated in the firſt ordinance were in actual attendance on the court at York, and in declared oppoſition to the parliament. The parliament altered the bill, by extending the time to two years, changing ſome of the commiſſioners names, and confining their power to rebellion, inſurrection, and foreign invaſion; and ſubjecting their authority to the King's command, ſignified by both houſes of parliament. Ann. 1642.

CHARLES, having been thwarted in the execution of his intended journey to Ireland, poſitively refuſed to The King refuſes the parliament's bill to ſettle the militia.

land, if againſt the parliament, which was the repreſentative body of the kingdom. This was a declining from the duty of allegiance, which the ſtatute ſuppoſed might be done, though men ſhould follow the King's perſon in the war, as appeared by the proviſo at the end of it, "That none ſhould take benefit thereby, that declined from their allegiance." The ſervice of the King, for the time being, could not be underſtood of other than one who was acknowledged king by the parliament; and if the judgment of the parliament muſt be followed when the queſtion was, Who is king? much more muſt it, when the queſtion was, What is the beſt ſervice of the king and kingdom? In regard to the diſpute concerning the right to ſovereignty claimed by the King, and at preſent exerciſed by the parliament, the authority of the latter was founded on the juſteſt baſis of government, viz. the willing ſubmiſſion of the people, who, at a time when they were in a condition to exert their natural ſtrength, oppoſed the pretenſions of the King, and ſubmitted to thoſe of the parliament. *Parl. Hiſt.* vol. X. p. 502. vol. XI. p. 112, *& ſeq.* *Huſbands's Collections*, p. 263, *& ſeq.*

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Ann. 1642. Husbands's Collections, p. 157, & seq.

paſs the bill, alleging that the alterations had given to ſubjects an abſolute power *. He inſiſted that he was

* He forbid the parliament to put their ordinance in execution. He was confident, he ſaid, if they attempted it, he ſhould find more obedience according to law, than they would do againſt law: he ſhould eſteem all thoſe who ſhould obey them as diſturbers of the peace of the kingdom, and would in due ſeaſon call them to a legal account.

On the receiving a denial to the militia bill, with another meſſage, in which the King demanded juſtice againſt Sir John Hotham, and aſſerted a property in Hull; the Lords, in a conference with the Commons, propoſed that the parliament might ſpeedily conſider of naming thoſe ill counſellors who adviſed the King to ſuch meſſages, that ſome courſe might be taken to bring them to puniſhment: they often importuned the Commons on the ſame ſubject.

A declaration was ſet forth by the parliament, in which they complained of the King's inſincerity: "He had, they ſaid, contrary to their advice, declined an ordinance which they had paſſed, and held neceſſary for the peace and ſafety of the kingdom; and had, by ſeveral meſſages, invited them to ſettle the militia by act of parliament, ſaying he never denied the thing, only denied the way; that he took exceptions to the preface, as not ſtanding with his honour, and that himſelf was excluded in the execution, and for a time unlimited: whereupon the Lords and Commons, on his majeſty's offering them a bill ready drawn to expreſs their earneſt zeal to correſpond with his deſires, no way declining their ordinance as illegal, did entertain the ſame; and therein omitted the preamble inſerted before the ordinance, limited the time to leſs than two years, and confined the authority of the lieutenants to three particulars, viz. rebellion, inſurrection, and foreign invaſion. What muſt be the exceptions to this bill, ſays the declaration, not any ſure that were to the ordinance: that was excepted againſt becauſe that the diſpoſing and execution thereof was referred to both houſes of parliament, and his majeſty excluded; and now, that by this bill the power and execution is aſcertained, and reduced to particulars, his majeſty will not truſt the perſons; the power is too great, too unlimited. His majeſty, for the ſpace of above fifteen years together, thought not a power far exceeding this, to be too great to truſt particular perſons with, to whoſe will the lives and liberties of the people, by martial law, was made ſubject: for ſuch was the power given to the lord-lieutenants and deputy-lieutenants, in every county

not bound by any promiſe he had made, to paſs the militia-bill, which had been tendered to him by the

Ann. 1642. Journals of Commons, vol. II. p. 559, & ſeq.

county of this kingdom; and that without the conſent of his people, or authority of law: but now, in caſe of extreme neceſſity, upon advice of both houſes of parliament, for no longer a ſpace than two years, a leſſer power is thought too great to truſt particular perſons with." The declaration concludes with a reſolution of the Lords and Commons, to aſſert their ordinance, and a command to all perſons in authority to put it in execution.

The parliament having printed and publiſhed their declaration, without the uſual ceremony of ſending it to the King, he prefaced his reply with an apology, that though he well underſtood how much it was below the high and royal dignity wherein God had placed him, to take notice, much more to trouble himſelf with anſwering thoſe many ſcandalous ſeditious pamphlets and printed papers which were ſcattered throughout the kingdom; yet, he was contented to let himſelf fall to any office that might undeceive his people, and to take more pains with his pen than ever King did, when he found any thing that ſeemed to carry the authority and reputation of both houſes of parliament. Hyde, afterwards earl of Clarendon, boaſts the having compoſed and penned all the papers publiſhed in the King's name, during the conteſt between him and the parliament. The King, in this apology, claims to himſelf the ſole reputation of theſe performances. On the ſubject of this diſpute between the King and parliament, touching the militia, a little tract was publiſhed, in which the queſtion is very clearly, fully, and logically anſwered on the fundamental grounds of juſt and free government, viz. That there was in laws an equitable and a literal ſenſe. His majeſty, let it be granted, was entruſted by law with the militia; but it was for the good and preſervation of the people: it could not be ſuppoſed that the Common-wealth would by law entruſt the King with the militia againſt themſelves. That when there was a certain appearance, that the letter of the law ſhould be improved againſt the equity of it, it gave liberty to the commanded to refuſe obedience to the letter; the execution of the laws, according to their equity and reaſon, being that ſpirit that gave life to authority. This bold aſſertion of the rights of mankind gave ſuch diſguſt to the King, that he ſtigmatiſed this pamphlet as one of the moſt factious performances which had been written againſt him; and ſent a meſſage to the houſe of Peers, recommending to them to uſe all poſſible

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Ann. 1642. parliament. Since the votes upon lord-lieutenants, he ſaid, and their commiſſions, begun by him or his father, had ſo diſcountenanced an authority, which for many years together was happily looked upon with reverence and obedience by the people; he had, and did think it neceſſary, that ſome wholeſome law ſhould be provided for the buſineſs of ſettling the militia; but he expected that that neceſſary power ſhould be firſt inveſted in him, before he conſented to transfer it to other men; neither could it ever be imagined, that he would conſent that a greater power ſhould be in the hands of ſubjects than was judged worthy to be truſted with himſelf: If it was not thought fit to make a new act, in that point, he did not doubt but he ſhould be able to grant commiſſions, which would legally enable thoſe he truſted to do all offices for the peace and quiet of the kingdom, if any diſturbance ſhould happen. Whilſt there was ſo great liberty uſed in voting men to be enemies to the common-wealth, an Engliſh phraſe he ſcarcely underſtood *, and in cen-

ble care and diligence in finding out the author, and to give direction to his learned counſel to proceed againſt him and the publiſhers, as perſons who endeavoured to ſtir up ſedition againſt his majeſty: He doubted not but they were very ſenſible how much their own particular intereſt, as well as the public government of the kingdom, muſt be ſhaken, if ſuch licence ſhould be permitted to bold factious ſpirits, to withdraw his ſubjects' ſtrict obedience from the laws eſtabliſhed by ſuch treaſonable diſtinctions: He expected a ſpeedy acount of their Lordſhips exemplary juſtice. The Lords not returning an anſwer to this preſſing meſſage, the King particularly complained of the neglect. *Parl. Hiſt.* vol. X. p. 481, *& ſeq. Huſbands's Collections*, p. 171, *& ſeq. Ruſhworth*, vol. IV. p. 542, *& ſeq.*

* The King here ſhews his diſapprobation of the term Common-wealth: it began to be uſed in the time of queen Elizabeth, on the earlieſt

ſuring men for their ſervice and attendance on his perſon, and in his lawful commands, great heed muſt be taken into what hands he committed ſuch a power, to ſuppreſs inſurrections and rebellion: If there was learning found out to make Sir John Hotham's taking up arms againſt him, and keeping his town and fort from him, no treaſon and rebellion, he did not know whether a new diſcovery might not find it rebellion in him to defend himſelf from ſuch arms, and to endeavour to recover what was taken from him. That declaration to which this was an anſwer, whether it had refuted his reaſons or not, it had required all perſons in authority to put the ordinance in preſent execution; and all others to obey it, according to the fundamental laws of the land *; but he, whom God had truſted to maintain and defend thoſe fundamental laws, did declare, that there was no legal power in either or both houſes of parliament, upon any pretence whatſoever, without his conſent, to command any part of the militia of this kingdom. Here follows a charge to all the ſubjects, upon their allegiance, and as they would anſwer it on their peril, not to put the ordinance of parliament into execution. A proclamation ſoon after iſſued out, to the ſame purport, on the authority of a ſtatute of the ſeventh of Edward the Firſt, in which it was declared, Ann. 1642. Proclamation.

earlieſt dawn of that taſte for Liberty, which was at preſent at its utmoſt acme in this country.

* The marquis of Hertford, the earls of Cumberland and Lincoln, with the lord Strange, having been nominated in the ordinance, excuſed themſelves from accepting of lieutenancies: the lord Paget, who had accepted of this office, and appointed his deputies, threw up his commiſſion. *Parl. Hiſt.* vol. X. p. 482, *& ſeq.*

Ann. 1642. That to the King, by his royal ſeigniority, it belonged to defend wearing of armour, and all other force againſt the peace; and to puniſh them that do contrary. This was met with a countermand from the parliament *.

The parliament countermand the diſtates of the King's proclamation.

CHARLES, on his firſt arrival at York, found the inhabitants of the country very cautious in offering their ſervices; and the court, for ſome time, carried a very mournful and ſolitary aſpect. This did not continue long; the malignants flocked in great numbers to this place of ſafety; moſt of the nobility and gentry, of large property in the kingdom, from a variety of cauſes, eſpouſed the fallen eſtate of monarchy: Some looking

* They aſſerted, that the declaration of 7 Ed. I. was not to the purpoſe for which it was quoted in the King's proclamation; it had nothing to do with the queſtion, Whether, if the King ſhould refuſe to diſcharge that duty and truſt, there was not a power in the two houſes to provide for the ſafety of the parliament and peace of the kingdom? It was acknowledged that the King was the fountain of juſtice and protection; but theſe acts of juſtice and protection were not exerciſed in his own perſon, nor did they depend on his pleaſure, but by his courts and his miniſters, who muſt do their duty therein, though the King ſhould forbid them. The parliament was not only a court of judicature, enabled by the laws to adjudge and determine the rights and liberties of the kingdom, againſt ſuch patents and grants of his majeſty as were prejudicial thereto, although ſtrengthened by his perſonal command, and by his proclamation under the great ſeal; but it was likewiſe a council to provide for the neceſſity, to prevent the imminent danger, and preſerve the public peace and ſafety of the kingdom, and to declare the King's pleaſure in thoſe things that were requiſite thereto; and what they did therein had the ſtamp of royal authority, though his majeſty, ſeduced by wicked counſel, did in his own perſon oppoſe or interrupt the ſame. The King by his ſovereignty was not enabled to deſtroy his people, but to protect and defend them.

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yet upon the King as the only ſource of honour and riches, expected to gain rank and preferments by attaching themſelves to his fortune in this time of adverſity: Others, and theſe were the greater number, men of abject minds, who priding themſelves in a fancied ſuperiority of ſtation, dreaded more than ſlavery that equal partition of privilege and Liberty to which the ſpirit of the times was viſibly tending: Others, of timid natures, apprehended the precarious grounds on which the parliament had diſcarded the common forms of the conſtitution, and aſſumed powers unknown to later ages, ſupported only in theſe high acts by the inclinations of the people, whoſe volatile temper, moulded to their purpoſes to-day, might to-morrow forſake their adventurous leaders, and bow their willing necks to the familiar yoke of regal power: Some, whoſe conſciences, baſely enſlaved to the doctrines of prieſts, confounding political duties with a dark miſtaken ſenſe of religion, ſubmitted with ſuperſtitious reverence to the claims of the crown and the mitre, and regarded it as an act of devotion to ſupport prerogatives they had been taught to look upon as ſacred and of divine original: Some there were who, though poſſeſſed of ſuperiority of fortune and ſtation to the popular leaders, yet being inferior in point of abilities and virtue, were unable to attain their reputation and influence: theſe, with envious affections, curſed that cauſe which, if crowned with ſucceſs, muſt yet farther advance the power and fortunes of the men they hated. Others again, of looſe morals, aſpiring to nothing but the eaſy enjoyment of vicious life, abided by the rights of the crown, becauſe they were ſecure of finding, in the riotous luxu- Ann. 1642.

Ann. 1642. ries of a court, all those wanton amusements from which the sober manners and rigid virtue of the parliamentary party would have totally debarred them *.

THE defection to the cause of Liberty was much greater in the upper than in the lower house. No less than nine peers were impeached by the Commons, for departing † without leave, and still continuing at

Nine peers impeached by the Commons.

* One of the chief motives which actuated the sons of Brutus to attempt the restoration of the monarchy of Rome, was the indulgence of a vicious licentiousness which they had practised under the example and protection of a court, and of which they found themselves deprived when the laws recovered their full force.

† On the twenty-fifth of May, on a call of the house of Peers, it was found, that thirty-two peers were absent, and with the King at York; in two or three days after, five more deserted the service of parliament. On the sixteenth of June, the house of Commons being called, sixty-five members were absent: on this deficiency a resolution passed, That the absent members should not sit in the house till they had made their excuse to a committee appointed for the purpose, and that excuse allowed of by the house. The same committee were authorised to levy the fines of 100 l. which, by a former resolution, had been imposed on absent members. To oblige members to a methodical attendance on the public business, it was ordered, in the lower house, that those who were not at prayers at eight o'clock every morning should pay twelve-pence to the poor. The King, in hopes of lessening the credit of the parliament, had ordered his friends in both houses to absent themselves from the councils of these assemblies; and then endeavoured to inculcate the opinion, that they were driven away by tumults. His historian Clarendon gives a variety of reasons for these men forsaking the duty of their office, which turned out to be a piece of very ill policy, since it occasioned all the King's enemies to carry their measures into execution without opposition. The Commons, on very justifiable grounds, expelled all those who refused to obey their summons of attendance, and issued out new writs to choose other members in their room. *Journals of the Commons*, vol. II. p. 538.

York,

York, notwithſtanding a ſummons and command to return to the duties of their office. For this high affront and contempt of both houſes, and by ſuch demeanour juſtly ſuſpected to promote a civil war, they were ſentenced to loſe their vote and privilege in the preſent parliament; and to ſtand committed to the Tower, during the pleaſure of the houſe *. The great reſort to the King's court had an obvious influence on the conduct of the Yorkſhire gentry. The parliament, to prevent their total defection, ſent down the lord Howard of Eſrick, the lord Fairfax, Sir Hugh Cholmley, Sir Henry Cholmley, and Sir Philip Stapleton, all men of rank and property in the county of York, as a committee to reſide about the court, to watch the motions of the King, to counteract his projects, to vindicate the authority of parliament, and to juſtify their intentions from falſe aſperſions. The King, taking up a higher ſtyle than he had hitherto uſed to any that were immediately commiſſioned from the parliament, ordered them to return

Ann. 1642.

Journals of Commons, vol. II. f. 563.

Parl. Hiſt. vol. X. p. 511.

* Clarendon repreſents this as an high breach of privilege, for the lower houſe to interfere in a matter ſo entirely belonging to the upper houſe. The fact is not only unfairly ſtated by this hiſtorian, but the concluſions drawn from it are partial and prejudiced: the Lords themſelves invited the Commons to take a part in a buſineſs which, they ſaid, concerned the ſafety of the realm, and the very being of parliaments. The critical time of this diſobedience rendered the offence a public one; and it was in this ſenſe alone that the Commons, as the general inquiſitors of the kingdom, impeached the offenders. "The withdrawing themſelves from parliament, ſaid they, is co-operating with the deſigns of that party from whoſe malignant oppoſition the nation is daily threatened with the horrors of a civil war. *Parl. Hiſt.* vol. XI. p. 188, 195, 200, 325.

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Ann. 1642. to London *. They pleaded their command to continue about his perſon, and to endeavour to keep the peace of the country. On this he told them, that if they would poſitively diſobey him, and ſtay, he adviſed them not to make any party, or hinder his ſervice in the country; for otherwiſe, he would clap them up. They replied, with firmneſs, that they had undertaken, and were bound in duty and honour to obſerve, the inſtructions they had received; nor could they be commanded from executing them, without a breach of the privilege of parliament †.

* The hopes of the party were at this time very high, as may be ſeen by a letter written by colonel Wilmot, an agent in the conſpiracy to bring up the army, to one Crofts, in Holland, intercepted by a ſhip ſtationed on the northern coaſts: it exemplifies the conduct, manners, and way of thinking of the court and its dependants. "Dear Will, by theſe laſt letters to the queen, you will find a great alteration of buſineſs here: the King, that very lately appeared almoſt abandoned by all his ſubjects, is now become the favourite of the kingdom; yet I believe his enemies are not ſo neglected as not to be able to raiſe an army to oppoſe him: and indeed here lies the teſt; for they will be followed juſt enough to forfeit their eſtates, which, I have often heard you ſay, were better beſtowed on ſome of us. Yeſterday there came a meſſenger from the houſe, who had an order, and did likewiſe raiſe the power of the country, to entreat Berkley, Aſhburnham, and myſelf to come to ſpeak to the houſe; but the King gave the meſſenger a ſhort anſwer, and an officer or two gave him a ſhort cudgel; ſo he is returned to London, a fine gentleman with his arm in a ſcarf." *Parl. Hiſt.* vol. XI. p. 260, *& ſeq.*

† Though theſe men had done nothing to incur the penalty of the law, yet Clarendon ſeems to lament it, as a particular inſtance of the King's preſent tickliſh condition, that he could not either commit them to priſon, or expel them the city of York, or inhibit them the freedom of the court. The King's threats occaſioned a declaration from both houſes, That any perſon whatſoever, who ſhould arreſt or impriſon thoſe

CHARLES, thinking himſelf pretty ſecure of the affections of the Yorkſhire gentry, had ſummoned them to attend him on the 12th of May *; the purpoſe of this meeting being to levy forces, under the pretence of a guard for the King's perſon. The committee employed their intereſt to defeat the deſign. The King made a ſpeech to the aſſembly, in which he complained, in bitter terms, of the diſreſpect of the parliament, the diſobedience of the committee, and the forlorn condition to which he was reduced; and concluded with telling them he meant to raiſe a guard of horſe for the ſafety of his own perſon, to continue no longer than the neceſſity of the juncture ſhould require, and to be maintained at his own expence. Previous to this ſpeech, ſome of the meſſages which had paſſed between the King and parliament were read, whilſt ſeveral perſons, who had been placed on purpoſe near the King, applauded his meſſages with tumult and riot, and hiſſed and reviled thoſe of the parliament with indecent language, ſaying they ought to ſet their houſes in order, for many of their members would ſhortly have their heads cut off †. This low inſult had a different effect Ann. 1642.

* thoſe lords and gentlemen, or any of them, or any other member of either houſe that were or ſhould be employed in the ſervice of both houſes of parliament, or ſhould offer violence to them, for doing any thing in purſuance of their commands, ſhould be held diſturbers of the proceedings of parliament, and public enemies of the ſtate; and that all perſons were bound by the proteſtation to bring them to puniſhment. *Parl. Hiſt.* vol. X. p. 514.

† The parliament paſſed a declaration againſt this ſummons. *Journals of the Commons*, vol. II. p. 556.

† The King had expreſsly ordered the committee to attend, with an intent to mortify them with this inſult.

from

Ann. 1642. from that to which it was intended, diſguſting even the moderate men of the royal party, who ſtill retained a veneration for parliaments. The committee retired, with the reſt of the gentry, to take the King's propoſal into conſideration. In manly, though in modeſt terms, they expoſtulated with them on the rough uſage they had received: they communicated to them the inſtructions of the parliament, and urged the neceſſity they were under to obey their commands: they juſtified the conduct of this aſſembly; and aſſerted, that their care of the King's perſon was ſuch, that he could have no need of guards. Charles, fearing the influence of ſuch diſcourſes, ſent a peremptory order to the committee, that they ſhould depart. Twelve men having been appointed to conſider of an anſwer to the King's propoſition, the buſineſs of the day was finiſhed: the committee therefore withdrew, according to the King's command; but withal told the aſſembly, that they had a right to aſſiſt at ſuch conſultations, being free-holders of the county; and whenever there was occaſion for their preſence, in purſuance of their inſtructions, they would attend. This was received with applauſe from the whole company; and ſuch was the effect their firm conduct and judicious arguments produced, that the King's propoſal was not accepted with unanimous approbation. Six of the twelve who had been appointed for the forementioned buſineſs, brought in an anſwer, the purport of which was, To deſire the King to impart his fears to the parliament, to hearken to their advice, and to permit the committee, for whoſe fidelity and honour they would be reſponſible, to negociate their employment, till they were recalled by the parliament.

liament. The anſwer which the other ſix brought in, wholly acquieſced with the King's deſire, without other condition than that the guard ſhould be all gentlemen, and unqueſtionable in their religion. The ſubſcribers to this were very few in proportion to the number that ſigned the other. Charles met with a contradiction of the ſame kind from the inferior claſs of free-holders, of whoſe inclinations being apprized, he had not only omitted in his ſummons, but in their repair to the city of York had forbid them to attend the place of meeting. This uſage was reſented with proper ſpirit: the free-holders, to the number of many thouſands, ſent up a petition, in which they ſet forth, that they had not only been denied acceſs to the King, and kept back by violence, but had been preſſed to ſubſcribe a paper, ſtyled, An anſwer to his majeſty's propoſitions; and, on their denial, had been threatened, that when his majeſty's army was on foot, they that refuſed ſhould be firſt pillaged: they intreated the King to preſerve the peace of the county, which could not, they ſaid, afford that honour and ſafety to his majeſty as the whole kingdom, which he might command, if united to his parliament; and hinted, that none of his mandates could be legally obeyed, if contrary to the ſenſe of that aſſembly. This petition they followed with a ſpirited declaration, in which they proteſted againſt being concluded in any reſolutions of that referree of knights and gentlemen who were elected without their aſſent. Ann. 1642.

NOTWITHSTANDING this oppoſition, the King purſued his reſolution of raiſing levies: the gentry of the county were ſummoned to bring in their horſe, a troop of The King levies force under the guiſe of a guard.

Ann. 1642. of cavalry was formed, and a regiment of train-bands, under the command of Sir Robert Strickland, was appointed to wait on the King*, as his guard of foot. With this military parade, attended by the duke of York, the prince Elector, and all the nobility who had followed his fortunes, with his whole train of ſervants, he met a general aſſembly of free-holders, whoſe affections he found it neceſſary to reconcile. Curioſity brought a multitude, to the number of forty thouſand, to the field of meeting. To theſe the King made a ſpeech, excuſing his former conduct, on the pretence of the largeneſs of their body; and that time and conveniency was to be obſerved in their meeting: he then talked to them of the dangers he had run at Whitehall; that he particularly truſted that part of his dominions to reſide in; he aſſured them he would never uſe their obedience but in defence of the orthodox religion, ſettled in queen Elizabeth's time, and the laws and fundamental conſtitutions of the country. For his zeal to the Proteſtant faith, he referred the world to his daily exerciſe of it, his declarations concerning it, and to his execution of the laws againſt Papiſts †; and for the law, it being

* Orders iſſued from the two houſes, directing the ſheriffs and other officers of the ſeveral counties, within 150 miles of York, to ſtop all arms and ammunition going to that city; and to ſuppreſs the raiſing and coming together of any ſoldiers, horſe or foot, by any warrant, order, or commiſſion from the King. The preamble to theſe orders begins thus: "Whereas it appears that the King, ſeduced by wicked counſel, intends to make war on his parliament, and, under colour of a guard, doth command troops, both of horſe and foot, to aſſemble at York, &c."

† The aſſertion of ſo notorious a falſhood was a piece of ill policy, unleſs the King was in hopes to perſuade the country that the

the common inheritance of his people, he ſhould never enforce his prerogative beyond it*. For his reſolution to maintain peace, he referred them to his former ſixteen years reign: if, in all that time, he had not cauſed the effuſion of one drop of blood, it muſt needs be thought that, in his riper judgment in government, he ſhould never open ſuch iſſues as might drown himſelf and poſterity †. The King concluded this harangue with an aſſurance that he never intended to uſe foreigners, or any diſaffected in religion; for which reaſon he had cauſed the oath of allegiance to be given to his guard; he would eaſe the country of the number of train-bands, whenever they ſhould think it convenient time; and for their billet-money, he told them, that they would long ſince have been paid, but that no part of the ſubſidies which he had paſſed had come to his hands ‡. A petition, containing the ſenſe of the Ann. 1642.

the proceedings of this parliament againſt the Papiſts were court-meaſures.

* The King ſtill aſſerts a prerogative in the crown ſuperior to law.

† What could the King mean by this boaſt? Becauſe, when there was no oppoſition to his tyranny, he did not wantonly make war on his ſubjects, was this an argument that he might not be inclined to do it when his will was reſiſted? Or was not the aſſertion, That he never cauſed the effuſion of one drop of blood, falſe? Could the operation of diſmembering be performed without the effuſion of one drop of blood? Were theſe cruel ſentences the judgment of the ordinary courts of juſtice? Were they not illegal mandates of that arbitrary court the Star-chamber, whoſe conduct was immediately directed by the will of the King?

‡ Part of the billet-money, and what was owed to the northern counties, for the maintenance of the Scots army, had been paid by the parliament. *Journals of the Commons*, vol. II. p. 515.

Ann. 1642. greater part of the county, but that thwarted the intentions of the court, was preſented to the King, on this occaſion, by Sir Thomas Fairfax, a man of amiable manners, of diſtinguiſhed character, and of large property and influence in the county *.

* The petition ſet forth, That the miſeries the county had endured for three years laſt paſt, in having been the ſeat of reſidence for two great armies, was become much more heavy by his majeſty's diſtance and difference in councils from his parliament; by his drawing together, contrary to law, companies of the trained-bands, both horſe and foot; by his entertaining commanders and cavaliers from other parts; by the daily reſort to his court of recuſants and perſons diſaffected in religion; by the great preparations of arms, and other warlike proviſion, begetting fears of wars, to the great terror of his peaceable ſubjects, and the decay of commerce and induſtrious courſes for the wealth and proſperity of the county, eſpecially of cloathing, its main ſubſiſtence: It ſolicited the King to redreſs theſe evils, by keeping a right underſtanding with, and hearkening to, the councils of parliament; and that he would not put the petitioners upon the rock of denying either the duty they owed to his majeſty, or to the parliament and the whole kingdom, to which they were ſo deeply engaged by their proteſtation; and that whilſt he expected the performance of their ſervice, they might not go againſt their duty in a thing they ſtood reſolved by no means, either of fear or favour, to be drawn to. They intreated the King, that the lords and great officers called away by his command, might be ſpeedily returned to the exerciſe of their legiſlative duty, that it might be evident to the world, that his majeſty did not intend to decline the law which enacted, That the parliament ſhould not be adjourned or diſſolved without their own conſent: that ſince his majeſty had graciouſly declared his confidence in the affections of the county, he would not think it fit to raiſe an extraordinary guard; and to continue the cavaliers and others of that quality about his perſon as men moſt uſeful, and as if kept on ſome deſign, they not having intereſt in or affection to the public good, their language and behaviour ſpeaking nothing but diviſions and wars, and their advantage conſiſting in that which was moſt deſtructive to others: they deſired, that none of theſe, or any who had not fortunes in the county, might be admitted to any conſultation

THE parliament earneſtly petitioned the King to diſband his forces, telling him, that if he would not de- Ann. 1642. Journals of Commons, vol. II. p. 585.

cation that day, or hereafter, concerning the public good: theſe were the only probable means to reſtore peace and plenty to the kingdom, to preſerve the Proteſtant religion, and to redeem their brethren in Ireland. This petition, preſented in the name of the gentry, miniſters, freeholders, and others, inhabitants of the county of York, was rejected by the King with an imperious diſdain, that provoked the hatred of a man who proved one of the moſt formidable of his enemies. This was Sir Thomas Fairfax, who, as he held forth on his knees the petition, Charles turned from him with that inſolent ſcorn, that Sir Thomas was very near being trampled under his horſe's feet. The eminence of this baronet's ſtation and credit in the county, and the amiableneſs of his character, ought to have exempted him from ſuch an inſult, either on the principles of policy or humanity. Charles affected to be ignorant of both theſe circumſtances: in his anſwer to a remonſtrance of the Commons, on the ſubject of this petition, he ſpeaks of Sir Thomas Fairfax as a man undiſtinguiſhed and unknown. "It is true, he ſays, a petition was preſented to him by one Sir Thomas Fairfax, which was avowed by no man but himſelf, and diſclaimed by the general acclamations of the people." This is a very ſuſpicious repreſentation of the fact, ſeeing the party in the county of York againſt the meaſures of the court was very powerful, and men of fortune are not very forward to appear ſingle in matters of this nature. This was not the only proof the King and his followers gave, that their preſent cloud of adverſity had not abated the arrogance of their prejudices: a meſſage was ſent to the committee of parliament, expreſsly commanding them not to aſſiſt at the meeting. The earl of Lindſey attended with a troop of horſe, ſnatched out of a gentleman's hand a copy of the fore-mentioned petition, which he was reading to a parcel of people at their deſire, calling the company traitorous rogues and villains, and lifting up his cane to the gentleman in a threatening manner. Sir John Bourchier likewiſe was affronted in the ſame ſtyle by lord Saville, who demanded of him to deliver the draught of the petition, which he was reading to himſelf; and, on his refuſal, laid his hand upon the belt of his ſword, and almoſt pulling him off his horſe, forced the paper from him, telling him, If he loved fighting he ſhould have fighting enough: many of his attendants, holding up their canes, told him, It were good to cane him,

Ann. 1642. ſiſt from his deſigns, they ſhould hold themſelves in duty towards God, the truſt repoſed in them by the people, and the fundamental laws and conſtitution of the realm, to employ their care and utmoſt power to ſecure the parliament, and preſerve the peace and quiet of the kingdom. The King pretended to deride the apprehenſions expreſſed in the petition, and the jealouſy of hoſtile intentions, on his part: inſtead of acquieſcing with the deſire of parliament, he again demanded them, in a high ſtyle, to give him ſatisfaction on Sir John Hotham; to return to him the poſſeſſion of Hull, his fort, and goods; to lay down all pretenſions of declaring what was law; to call in all the pamphlets that ſeditiouſly endeavoured to diſable him from protecting his people, and weakened his authority, by falſe aſperſions and new falſe doctrines. The parliament, finding the King thus determined, began to take into ſerious conſideration the enforcing the ordinance of militia. They were in poſſeſſion of the inclinations of the greateſt part of the people, who teſtified their favour, not only by preſenting petitions, containing the

Clar. Hiſt. vol. I. p. 339.

him, it were a good deed to put him in the ſtocks. When theſe inſolences were made known to the parliament, they voted, That the earl of Lindſey and the lord Saville were public enemies of the ſtate, and incendiaries between the King and his people; and that they ſhould be apprehended by the ſheriff of Yorkſhire, and conveyed from ſheriff to ſheriff to the houſe. To the expoſtulations of the parliament on this ſubject, the King anſwered, with a poſitive aſſertion, "That his guards had been ſo far from offering any affronts, injuries, or diſturbances, to any of his good ſubjects, that their principal end was to prevent ſuch, and ſo might be ſecurity, could be no grievance, to the people." *Petition of the Gentry, Miniſters, &c. to the Parliament. Parl. Hiſt.* vol. XI. p. 173, *& ſeq. Clarend. Hiſt.* vol. I. p. 510.

ſenſe

ſenſe of their votes and reſolutions, and full of zeal to their ſervice, but many in ſeveral counties had offered themſelves as volunteers to defend the cauſe of Liberty; whilſt others exerciſed the diſcipline of arms, to render themſelves an uſeful militia, when called out to ſervice by the authority of parliament. With this eminent advantage, they had at length removed the Hull magazine to the Tower of London, and had ſecured to themſelves the command of the navy, by appointing the earl of Warwic, a reſolute man, and a ſtaunch friend to their intereſt, admiral of the fleet under the earl of Northumberland, in the room of Sir John Pennington *, to whoſe character they objected, the having delivered up the Engliſh fleet for the uſe of the French, to beſiege a Proteſtant town †; and the having conveyed the lord Digby beyond ſea, in his flight from the juſtice of parliament. The King ſignified to the earl of Northumberland, that he expected Sir John Pennington ſhould be continued in his office. This contradiction produced a meſſage, repreſenting, that the Commonwealth would ſuſtain much miſchief and danger by his majeſty's interruption; but the King ſtill inſiſting on the point, the two houſes confirmed, by their own authority, the earl of Warwic in the command of the fleet ‡; the earl of Northumberland, in obe-

Ann. 1642. Journals of Commons, vol. II. p. 659, & ſeq.

Parl. Hiſt. XI. p. 122. Journals of Commons, vol. II. p. 513, & ſeq.

The parliament ſecure to themſelves the command of the fleet.

* The motion for removing Sir John Pennington came firſt from the Lords.

† Rochelle.

‡ To this reſolution diſſented the marquis of Hertford, earls of Bath, Devon, Monmouth, Berkſhire, Cleveland, Dover; lords Mowbray, Wentworth, Howard de Charlton, Saville, Seymour.

dience

Ann. 1642. dience to their desires, having granted him the commission *.

Measures of the parliament to prepare against the threatened war.

For the raising a sum large enough to supply the expence of the threatened war, strict warrants were sent out for the gathering all the money which by negligence remained uncollected, of granted bills of subsidy, and the poll-bill. Of the merchants were borrowed the customs allotted by a bill of tonnage and poundage, which had passed both houses, but had not yet obtained the royal assent, under a promise that the parliament would account for it to his majesty, or restore it on his refusal to pass the bill. The city likewise shewed their affection by the loan of another hundred thousand pounds, towards the expences of the Irish war; and both houses entered into an engagement to bring in money, plate, and horses, for the public use.

After the following vote had passed both houses, That the King, seduced by wicked counsel, intended to make war against the parliament, contrary to the trust reposed in him by the people, and contrary to his oath †; directions were given for the mustering and

* Lord Clarendon, who always makes an apology for the apparent necessity the King was at present under to submit passively to these exertions of power, says, That if he had farther contested this point, he could not have reduced the fleet to his obedience; he might, perhaps, have prevented its going out to sea, which would have confirmed the frantic jealousy of bringing in foreign forces.

† In this vote it was declared, That whosoever should serve or assist him in such wars, were traitors, by the fundamental laws of the kingdom; and had been so adjudged by two acts of parliament, 11 Rich. II. and 1 Hen. IV.

ex-

exercising the train-bands of London. On the tenth of May eight thousand militia, disposed in six regiments, under proper officers, with serjeant-major general Skippon at their head, were drawn out in Finsbury fields, to be reviewed by the two houses, a large tent having been prepared for them by the care of the city, by whom they were treated with a magnificent entertainment, at the expence of near a thousand pounds. This ceremony over, which fully demonstrated the hearty concurrence of the capital, orders were sent to the several counties, to put in immediate execution the ordinance of the militia; with directions to the lords-lieutenants, and their deputies, to secure the magazines of each county; to encrease the stores to what proportion they thought convenient; and to supply private persons, well affected, with arms and ammunition *. The King, to encrease the number of his train, and to interrupt the proceedings of the parliament, had sent a writ to the lord-keeper to adjourn Midsummer-term from Westminster to York; and a warrant to Skippon, the commanding-officer of the London train-bands, to attend him †. The parliament Ann. 1642.

* Clarendon artfully mentions these facts as preceding the King's levying forces; whereas it was not till after this incident that the parliament enforced their ordinance of militia.

† The King had before sent for the earls of Essex, Holland, Salisbury, and the lord Saville, to appear at York at St. George's feast, they being knights of the garter. The house of Lords interfered, and determined, that their members should attend the business of the house, the great affairs of the kingdom being then in agitation; and a message to this purport was sent to the King. The lord Seymour having received the same mandate, was set out for York, on a former leave of absence; but a messenger was sent after him, with orders to bring him back.

Ann. 1642. countermanded the order to the lord-keeper, and reſolved, That the removing the term from Weſtminſter, back. The King ſent to the earls of Eſſex and Holland a licence and diſpenſation from their attendance in parliament; and, on their reſolution to obey the commands of the upper houſe, the lord Falkland, by the King's order, the keeper Littleton having refuſed the ungrateful taſk, demanded of them to reſign the enſigns of their office. The two earls obeyed, but the Lords paſſed the following reſolution on the occaſion: That the attendance of the earls of Eſſex and Holland, according to the order of this houſe, is no diſobedience to the King's command: That the removing the ſaid earls from their places, becauſe they obeyed the ſaid order, is againſt the privileges of parliament: That the King's licence and diſpenſation for any lord's abſence in parliament, when the houſe ſhall command him to attend, cannot diſcharge his attendance: That any lord's diſobeying ſuch command, notwithſtanding any licence or diſpenſation, is puniſhable by this houſe. The Commons propoſed ſome additions to theſe reſolutions, which were agreed to by the Lords, viz, That the King's licence and diſpenſation to diſcharge the earls from their attendance in parliament was a high breach of privilege; and the diſplacing them at this time, and on this occaſion, was an injury to the parliament and the whole kingdom: That what perſon ſoever ſhould accept their offices, until ſatisfaction was given the parliament, ſhould be accounted to do an ignoble act, and to offer an affront to parliament; and thereby render himſelf unworthy of any place of honour or truſt in the Commonwealth: That theſe proceedings were the effects of evil counſel, to diſcourage good men from doing their duty; and tended to encreaſe the diviſions between the King and his people; and to the diſturbance of the peace of the kingdom. Clarendon ſays, That the reſolution of turning the earls of Eſſex and Holland out of their office was greatly conteſted by the King's friends as an impolitic meaſure; the inclinations of theſe noblemen not being ſo far engaged in the cauſe of Liberty as to deſire to advance farther in oppoſition, unleſs urged thereto by any affront put on them by the court; but that the King was inexorable on the point, being obliged thereto by a promiſe he had made the queen, who had contracted ſo great an indignation againſt the earl of Holland, that ſhe had declared ſhe would never live in the court, if he kept his place. The violence of the queen's temper, and the implicit obedience the King paid

sitting the parliament, was illegal *: That for his majesty, at his pleasure, to command any free-born subject to attend his person, not bound thereto by special service, was illegal: That serjeant-major Skippon should continue to attend the service of both houses: That his summons was against the liberty of the subject, and the privilege of parliament, he being employed in their service. The purport of these votes was published in a declaration, with an addition, That whosoever should take arms, upon pretence of his majesty's command, and gather together with others in a warlike manner, to the terror of the King's people, should be esteemed disturbers of the public peace, and to do that which might introduce a precedent of very dangerous consequences for the future, and produce much mischievous effects for the present. Here follows an order † to all sheriffs, to raise the power of the county,

Ann. 1642. Journals of Commons, vol. II. p. 579, & seq.

paid to her humours, render this very probable. It is suspected that the queen, whose disposition was very amorous, had bestowed upon Holland, besides titles and court-preferment, favours of a more tender nature. Some time after the earls of Northumberland and Pembroke exhibited letters from the King, commanding their attendance. These lords followed the example of Essex and Holland, and obeyed the prohibition of the house. The Lords had before expressed some resentment, on letters written by the King to several members of the upper house, commanding their attendance in parliament, when there were businesses of moment to his interest in agitation. *Parl. Hist.* vol. X. p. 317, 320, *& seq.* 432, 434. *Journals of the Commons*, vol. II. p. 529. *Peyton's Memoirs*, p. 54, *& seq.*

* This resolution passed first in the upper house. *Journals of the Commons*, vol. II. p. 579.

† Some time after an order passed both houses, generally directed to deputy-lieutenants, for the due execution of their office, with a declaration that the parliament would, from time to time, send down some of their members to give their personal attendance on the service. *Parl. Hist.* vol. XI. p. 137.

Ann. 1642. to ſuppreſs all perſons who ſhould, on pretence of ſuch command, draw together, and put themſelves in a poſture of war *. The people, who were, at this time, by both parties acknowledged the umpires of the preſent diſpute between the King and the parliament, was addreſſed by the latter in a voluminous declaration, in which, by concluſions drawn from the King's conduct and character, they endeavoured to vindicate themſelves from the charge of treating him with unneceſſary ſeverity; and to perſuade the people, that the ſecure poſſeſſion of their privileges depended entirely on their firm ſupport of the authority of parliament †.

* The King called this order a levying war on him. It was after the publiſhing this declaration, that the parliament received the denial of the nine peers to obey their ſummons, in the following letter to the ſpeaker, which gave great offence. "We whoſe names are underwritten, have received a ſummons, dated the thirtieth of May, to appear the eighth of June, at the bar of the houſe of Peers: we are come here to York, at this time, to pay a willing obedience to his majeſty's commands, ſignified by letter under his hand, which commands remain upon us ſtill. Northampton, Will. Devonſhire, Monmouth, R. Rich, Hen. Dover, Grey of Ruthyn, C. Howard, T. Coventry, Arthur Capel." Things were carried at this time ſo high at York, that not only delinquents, and others of all ranks, under the ſanction of the King's commands, refuſed to obey the ſummons of parliament, but their meſſengers were beat, abuſed, and even impriſoned. *Parl. Hiſt.* vol. X. p. 542. vol. XI. p. 183.

† They juſtified the legality of the power they exerciſed over the militia: It was no new law, they ſaid, but the moſt ancient one in the kingdom; and that which was fundamental and eſſential to its conſtitution and ſubſiſtence. The wiſdom of the ſtate had entruſted the houſes of parliament with a power to ſupply what ſhould be wanting on the part of the prince, as was evident by the conſtant cuſtom and practice thereof, in caſes of nonage, natural diſability, and captivity; and the like reaſon muſt hold for the exerciſe of the ſame power, where the royal

Having paſſed, they ſaid, ſo many dangers from abroad, ſo many conſpiracies at home, nothing ſeemed Ann. 1642.

royal truſt could not be, or was not diſcharged. To the accuſation of not having ſhewn ſufficient regard to the King's profeſſions, they remembered him of the many inſtances in which he had violated his word ſolemnly given. From the effects of his inſincerity, they ſaid, even laws could not ſecure them; witneſs the petition of right, which had been followed with ſuch an inundation of illegal taxes, that they had juſt cauſe to think, that the payment of eight hundred thouſand pounds was an eaſy burthen to the Commonwealth in exchange. Though his majeſty had paſſed many bills very advantageous to the ſubject, yet in none of them had the parliament bereaved him of any juſt, neceſſary, or profitable prerogative: The bill for the continuance of the parliament was ſo neceſſary, that without it they could not have raiſed ſuch great ſums as they had done for the ſervice of his majeſty and the Commonwealth, without which the deſtruction of the kingdom muſt needs have followed. To the King's diſavowal of evil counſel, they ſaid, that by the direction of the law, and the affections of their own hearts, they muſt, as circumſtances would allow them, clear his majeſty from all imputation of ill government, and lay the fault on his miniſters. His majeſty's profeſſing a faithful and zealous affection for the Proteſtant religion, did not clear thoſe in greateſt authority about him, by whom its deſtruction had been laboured for divers years; a deſign ſo manifeſt, they ſaid, that neither Proteſtant nor Papiſt, who had any reaſonable view of the paſſages of latter times, but either in fear or hope, did expect a ſudden iſſue of it. That the rebellion in Ireland was framed and cheriſhed by the malignant party in England, was not only affirmed by the rebels, but might be cleared by many other proofs, drawn from the ſimilarity of their principles, politics, and profeſſion. That their treacherous pretences had been countenanced, might appear in this, that the proclamation declaring them traitors was with-held to the ſecond of January, though the rebellion broke out the preceding October; and then no more than forty copies appointed to be printed; with a ſpecial command from his majeſty, not to exceed that number, and that none ſhould be publiſhed till his pleaſure was farther ſignified; a circumſtance more obſervable by the late contrary proceedings againſt the Scots, who were in a very quick and ſharp manner proclaimed rebels; and thoſe proclamations forthwith diſperſed with diligence throughout the kingdom, and

ordered

Ann. 1642. to be left in the way to hinder the full accomplishment of their desires and endeavors for the public

ordered to be read in all churches, accompanied with public prayers and execrations. The penner of his majesty's declaration had not been very tender of his honour, when they made him call God to witness, that he knew of no resolution of bringing up the army: such asseverations would seem strange to those who should read the depositions which had been taken on the subject. They asked, how the accusation of the six members could be said to be largely satisfied, so long as his majesty justified his attorney, declared he had done but his duty, and that he would have punished him had he acted otherwise; so long as those members had not the means of clearing their character, so long as he concealed the authors of that malicious accusation, so long as he refused to pass a bill for their discharge, unless they dissented the avowing their innocence? They did not look on this matter as a breach of privilege only, which might be, though the accusation were true or false, but a heinous crime in the attorney, that men should be charged with so great an offence as treason in the face of the highest judicatory in the kingdom, whereby their lives, estates, blood, and honour, were endangered, without witness, without evidence in a legal course. On the subject of tumults, they said, the citizens of London had been notoriously provoked, beaten, and wounded, by Lunsford, Hyde, the archbishop of York's servants, and others, many of them being without weapons, and giving no cause of distrust: That the officers and soldiers who had committed these acts of violence were cherished in his majesty's house; and when reparation for the injuries they had offered was demanded, in a petition from the council of London, his majesty had answered, without hearing proof of the complaints, That if any citizen had been wounded or ill treated, he was confidently assured it happened by their own evil and corrupt demeanour. Of any scandalous or seditious misdemeanor of theirs that might give his majesty good cause to suppose his own person to be in apparent danger, there was no proof offered to either house; and for its being affirmed that his majesty was driven from them, they hoped it was not by his own fears, but by the fears of the lord Digby and his retinue of cavaliers; and those no fears of any tumultuary violence, but of just punishment for their manifold insolence and intended violence against the parliament. Of his majesty's person there was no cause of fear; for in the greatest heat of the people's indignation, after the accusation of the six members,

and

good, unleſs God did ſend ſo grievous a curſe upon them, as to turn the ſtrength of the kingdom againſt Ann. 1642.

and his violent coming to the houſe, there was no ſhew of any evil intention againſt his perſon; a fact which could not be better evidenced than by his going the next day without a guard into the city, where he heard nothing but prayers and petitions, no threatenings nor irreverent ſpeeches; and that he ſtaid a week after at White-hall, in a ſecure and peaceable condition. To that point of maintaining and upholding his authority, nothing had been done to the prejudice of it which could require any new proviſion: To the other of ſettling his revenue, the parliament had not abridged his juſt one, but had ſupplied the waſte and confuſion of his eſtates by providing for his houſehold, and the maintenance of the forts, more than they were obliged to do. They were yet willing to ſettle one on him that ſhould enable him to live royally and ſafely; but they could not, in wiſdom and fidelity to the Commonwealth, do it, till he ſhould chuſe ſuch counſellors and officers as might order and diſpoſe it to the public good, and not apply it to the ruin and deſtruction of his people. Theſe matters of importance and intricacy would require ſo long a time of deliberation, that the kingdom might be ruined before they could be effected. It was for this reaſon they had been ſuitors to his majeſty to order the militia, that the kingdom being ſecured, they might with ſafety apply themſelves to the debate of his meſſage.

Let the world judge, whether they had not reaſon to inſiſt that the ſtrength of the kingdom ſhould rather be ordered by the direction and advice of the great council of the land, equally entruſted by the King and kingdom, than that the ſafety of the King, parliament, and kingdom, ſhould be left at the devotion of a few unknown counſellors. They could not conceive that the long time ſpent in debate was ſufficient evidence that there was no ſuch neceſſity or danger, but that a bill might eaſily have been propoſed: when many cauſes did concur to the danger of a ſtate, the interruption of any one might hinder the execution of the reſt, yet the deſign be ſtill kept on foot for better opportunities. Who knew whether the ill ſucceſs of the rebels in Ireland had not hindered the inſurrection of the Papiſts in England? whether the preſervation of the ſix members had not prevented that plot of the breaking the neck of the parliament, of which they had been informed from France? It ſhould be far from them to take ſuch advantage of his

Ann. 1641. itſelf, and to effect that by their own folly and credulity, which the power and ſubtilty of their enemies

his majeſty's ſuppoſed ſtreights, as to compel him to that which his honor or intereſt might render grievous to him; ſo they hoped he would not make his own underſtanding the rule of his government, but would ſuffer himſelf to be aſſiſted with a wiſe and prudent council, that might deal faithfully between him and his people; and that he would conſider that his reſolutions did concern kingdoms, and therefore ought not to be moulded by his own opinion.

Clarendon tells us, That an inſtrument was drawn up at York, in which was ſet down an account of tumults and violences offered to particular perſons; of parliamentary concluſions being carried in an irregular manner; of Mr. Hollis coming to the bar of the upper houſe, and demanding the names of thoſe lords who refuſed to conſent to the militia, when the multitude menaced and threatened all thoſe diſſenters: that it was by ſuch methods, which frighted away many members of both houſes, that all thoſe reſolutions and declarations had paſſed which had occaſioned the preſent diſtractions. To this inſtrument the King perſuaded the peers in council to ſet their names; but the circumſtances related in it being either entirely falſe, or highly exaggerated, he was the next day earneſtly importuned not to publiſh it; many lords telling him, That if he would publiſh it, they would diſavow the contents. "This, ſays Clarendon, is a ſufficient inſtance how unendued men were with that ſpirit and courage which was requiſite."

The ſeveral depoſitions which at different times were taken on the ſubject of the army-plot, were with this declaration publiſhed, the parliament alledging it to be a neceſſary means for the juſt defence of their innocence againſt the ſcandal of having laid a falſe imputation on the King. In theſe examinations Goring depoſed, That Sir John Suckling, the poet, told him there was a deſign to bring the army to London; that the earl of Newcaſtle was to be general, and he, Goring, lieutenant-general; that he was deſired by Mr. Jermyn, to give him the meeting in the evening, at court; that he was carried into the queen's bed-chamber; that he was introduced by the queen to the King, who commanded him to join himſelf with Piercy, and others, who were engaged in a cabal to bring up the army; that the King alleged he had a deſire to put his army into a good poſture, and that lord Briſtol had adviſed him to do it; that, on the meeting with the cabal, Piercy read

certain

could not attain: They warned the people againſt the Ann. 1642.
inſinuations of the malignant party, ſtirring them up

certain propoſitions, which were aſſented to by the company; that there came into conſideration the bringing up the army immediately to London, and the making ſure of the Tower. Piercy, in his letter to the earl of Northumberland, confeſſed that the army was to ſtand by the King in his denial of ſome acts, that were expected to be preſſed upon him by the parliament; but that he had refuſed entering into a way ſo high and ſharp, as was propoſed to him by the King: That himſelf and party diſagreed with that ſet of men, who, by the King's orders, had been joined in their cabal, on account of their violence, and the height to which they would have carried things. Captain Chudleigh depoſed, That he told the army, from the King, that if they would be faithful to him, he would pawn his jewels rather than they ſhould be unpaid: That himſelf was told, by major Willis, that the army was to be joined by the French about London, and that a thouſand men were to be raiſed for their aſſiſtance, at the expence of the clergy: That the prince was to be carried to the army, to confirm their affections; and that the earl of Newcaſtle was to be general: That the deponent being at Portſmouth, colonel Goring ſhewed him the ſtrength of the place; that the queen meant to come down thither for her ſafety, and that ſhe had given him money to fortify it. Lieutenant-colonel Ballard depoſed, That Chudleigh propoſed to him, and divers other officers, certain propoſitions, which he ſaid came from the King, viz. That neither Sir Jacob Aſhley nor Sir John Conyers were to be acquainted with the deſign: That the prince and the earl of Newcaſtle were to meet the army with 1000 horſe, and all the French that were in London. Captain Legge depoſed, That there was a petition propoſed to be delivered to the parliament, which was burnt on the parliament's getting knowledge of the cabal: That he received another petition from the King, which was to be ſhewn to Sir Jacob Aſhley, the King ſaying, That that petition would not offend. Sir Jacob Aſhley depoſed, That he received a petition from captain Legge, to which he was deſired to get the officers of the army to ſet their hands: That he told O'Neal the difficulty of compaſſing what was propoſed; that they muſt firſt fight the Scots, and beat them, then ſpoil the country all the way to London; that when they came there, the parliament might make reſiſtance, and the Scots rally and follow them: That O'Neal propoſed

Ann. 1642. to act their own deſtructions, under plauſible notions of preſerving the King's prerogative, maintaining the diſcipline of the church, upholding and continuing the reverence and ſolemnity of God's ſervice, and encouraging learning; on which grounds divers mu-

to attempt to make the Scots neutral, but that the examinant replied, The Scots would lay by the heels any one that ſhould make ſuch a propoſal to them. He farther depoſed, That at the end of the petition was a direction to this effect: "William Legge, I command you, that you ſhew this to none but Jacob Aſhley:" That above this direction was ſet the two letters "C. R." Sir John Conyers depoſed, That O'Neal uſed ſeveral perſuaſions to him to adhere to the King, and to go thoſe ways the King would have him, otherwiſe he would be left alone and ruin himſelf; for that all the troops under him were that way inclined: That he and Sir Jacob Aſhley were both very much troubled at the paper, containing directions for a declaration, to be ſubſcribed by the officers of the army, that was brought to Sir Jacob Aſhley. Sir John Conyers farther depoſed, That he abſolutely refuſed to aſſent to O'Neal's propoſals, and that Sir Jacob Aſhley told him, that O'Neal was to go to Newcaſtle. Sir Fulk Huncks depoſed, That O'Neal perſuaded him to take part with the King, and put the troops in motion: That he offered him a paper, which he refuſed to ſign, and told him he had good authority for what he did, and that he was to go to the Scots army. By theſe depoſitions it appears, that there were two different petitions which had been propoſed to the army, but that neither of them had met with ſucceſs; and that petition which was publiſhed at this time by the King, and is to be met with in Clarendon's Hiſtory, could not be the model of the true petition, ſigned C. R. theſe depoſitions mentioning other particulars in the original than are to be found in this copy.

"Your majeſty, ſays the parliament, in another declaration, will ſee juſt cauſe of joining with us in preſerving and ſecuring the peace of the kingdom, in ſuppreſſing this wicked and malignant party, who, by falſe colours and pretenſions of maintaining your majeſty's prerogative againſt the parliament, wherein they fully agree with the rebels of Ireland, have been the cauſes of all our diſtempers and dangers." *Huſbands' Collections*, 4to Ed. p. 215, *& ſeq. Parl. Hiſt.* vol. X. p. 492.

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tinous petitions had been framed in London and elſe- Ann. 1642.
where *. "They deſired nothing more, they ſaid, than

* One George Benyon was impeached by the Commons for having procured a petition to be ſigned by ſeveral citizens of London againſt the ordinance of militia taking place in that city. The King's party not being very ſtrong in this metropolis, Benyon's petition was encountered by another entirely agreeable to the deſigns of parliament, ſigned by many thouſand hands. A prerogative ſcheme of a more formidable nature was about the ſame period hatched in Kent. Sir Edward Deering, Sir George Twiſden, Sir George Strode, and one Spencer, had been very active in the procuring a petition to be ſigned by the gentlemen of Kent, and others, at the county aſſize held at Maidſtone, for the continuance of biſhops, the liturgy, and common-prayer: That an uniformity to theſe might be enforced by coercive power: That the people ſhould not be bound by the orders of either houſe of parliament: That no order for militia ſhould take place without the King's aſſent: That the parliament would apply themſelves to his majeſty's meſſage of the twentieth of January: That they would eſtabliſh the civil law: That they would ſpeedily relieve their brethren in Ireland: That they would eſtabliſh the privilege of parliament and the King's regal power. This petition was burnt by the hands of the common hangman. The earl of Briſtol, who had ſhewn repeated ſymptoms of diſaffection to the cauſe of Liberty, was on this occaſion impriſoned; and judge Mallet, who had not only countenanced the petition, but refuſed to read papers given him by ſome members of the Commons' houſe in behalf of the ordinance of the militia, was taken off his bench by a troop of horſe, and carried priſoner to Weſtminſter; as were likewiſe other active agents, who were all afterwards impeached by the Commons. Sir Edward Deering had been expelled the lower houſe, and confined to the Tower, for printing ſpeeches againſt the conduct of parliament. His reſentment occaſioned him to be very buſy in the matter of this petition: he had raiſed ſo great a flame in Kent, that, notwithſtanding the ſentence paſſed by the parliament, a great multitude of gentlemen aſſembled at Blackheath, and ſent up the petition by ſome of the party. On the alarm of this rout, ſtrong guards were placed on London-bridge, where the petitioners were diſarmed, and a few of them ſuffered to paſs with their petition to Weſtminſter. The ring-leaders were committed to the Gate-houſe, but the younger

Ann. 1642. to maintain the purity and power of religion, encourage piety and learning, and to honour the King in all his juſt prerogatives: Many bills and propoſitions for the King's profit and honor, and the people's ſafety and proſperity, they had prepared, but were hindered in the proceeding on them by the King's abſence, altogether contrary to the uſe of his predeceſſors and the privilege of parliament. They did not doubt but they ſhould overcome all at the laſt, if the people were not drawn to deſert them, who had been willing to hazard their own undoing rather than that they ſhould be betrayed, by neglecting the truſt repoſed in them; but if it were poſſible their enemies ſhould prevail ſo far as to compaſs this, they would not fail ſtill to perſiſt in their duties, and to look beyond their own lives, eſtates, and advantages, as men that thought

part of the company only received a kind admonition from the Commons, who at the ſame time told them, they hoped they would hereafter prove good members of the Commonwealth. George Benyon was ſentenced by the Lords to be diſfranchiſed the city of London, to be incapable of bearing office, to be fined 3000l. to be impriſoned in the caſtle of Colcheſter for two years, and after that time to find ſuch ſureties for his good behaviour as the houſe ſhould think fit. To ſatisfy thoſe who were well affected to the power of the parliament, but were much attached to religious forms, the two houſes paſſed an order declaring, That they intended a due and neceſſary reformation of the government and liturgy of the church, and to take away nothing in one or the other but ſhould be evil, and juſtly offenſive, or at leaſt unneceſſary and burthenſome; and for the better effecting ſuch reformation, ſpeedily to have conſultation with godly and learned divines: likewiſe to eſtabliſh learned and preaching miniſters, with good ſufficient maintenance, throughout the kingdom. *Parl. Hiſt.* vol. X. p. 390, *& ſeq.* 420, *& ſeq.* 458, *& ſeq.* 476, *& ſeq.* *Journals of the Commons*, vol. II. p. 519. *Clar. Hiſt.*

nothing

nothing worth enjoying without the liberty, peace, and safety of the kingdom, nor any thing too good to be hazarded in diſcharge of their conſcience." Ann. 1642.

If the parliament, impelled by the neceſſity of the times, and encouraged by the affections of the people, aſſented to an authority hitherto unaſſumed by their predeceſſors, ſo the King, in his reply to their late declaration, laid claim to a prerogative which, if allowed, muſt render parliaments as uſeleſs a check to the will of the monarch as a council of ſtate; viz. That the votes and reſolutions of both houſes had no authority without his conſent *. He affected a great regard for

* He argued, and in this pretenſion was better ſupported by the principles of the conſtitution, That the Lords and Commons miſapplied the word parliament when they confined it to their own votes and reſolutions, he being an eſſential part of what was underſtood by that phraſe. The King and his party, before theſe times of humiliation, denied that the parliament had any thing to do with the government of the country, or that the crown was any part of the parliament; aſſerting, that it had a ſovereignty over the three eſtates, which conſiſted of the Lords ſpiritual, the Lords temporal, and the Commons. It may be worth obſerving, that, in the reign of Edward IV. the lord chancellor, in full parliament, and in preſence of the King, in a ſtudied oration declared, That the three eſtates did comprehend the governance of the land, including the king as chief, the ſecond to the lords ſpiritual and temporal, and the third to the Commons. That the King was one of the eſtates that conſtituted the legiſlature was not denied by the two houſes of parliament; their higheſt acts of authority were exerted under the guiſe of being the ſole interpreters of enacted laws, and on the ſuppoſition of threatened imminent danger to the public: that if the King, in this caſe, ſhould refuſe his aſſiſtance, or ſhould place himſelf at the head of a faction to conſpire its ruin, that there lay a dormant truſt deputed by the abſolute power of the people to their repreſentatives to ſave the Commonwealth from damage. The neceſſity of ſuch

Ann. 1642. the parliament, and at the ſame time proclaimed their acts to be treaſonable under the following diſtinction, That the councils of that aſſembly were determined by a few ſchiſmatical, factious, and ambitious men, whom he alone pretended to oppoſe, and in whoſe overthrow he darkly hinted at the reſtoration of the old tyranny, under the ſpecious phraſe, "of regaining to the people their religion, laws, and liberty." To ſhew that he had not yet given over the proſecution of thoſe who firſt ventured to oppoſe his evil adminiſtration, and to retract his confeſſion that he had violated the privilege of parliament, he declared, that he reſolved upon the accuſation of the ſix members on ſuch grounds as would ſatisfy the world, that it was fit for his own ſafety and honour, and the peace of the kingdom, to proceed againſt them. In ſending a ſerjeant to the houſe of Commons to demand them, he had uſed more ceremony than he then conceived in juſtice

ſuch a truſt is too obvious to diſpute the rationality of its ſuppoſition; nor did the Commons want precedents whereon to ground their pretenſions. When Richard II. to avoid complying with the peremptory demands of the other two eſtates of parliament, diſ-united himſelf from their councils, in the ſame manner as Charles had done, they ſent him a very peremptory meſſage to the following purport: That the parliament had an ancient conſtitution, which had been not many ages before experimented, That if the King, by evil counſel, or by obſtinacy and contempt of his people, would alienate himſelf from them in parliament aſſembled, and refuſe to govern by the laws and ſtatutes of the realm according to their advice, but would ſtubbornly exerciſe his regal power by his own arbitrary and wild counſels; that then his parliament might declare the throne vacant, and fill the ſame with ſome other prince of the royal progeny.

might

might be required of him *: he had known members of either houſe committed without ſo much formality as he had uſed, and upon crimes of a far inferior nature to thoſe he had ſuggeſted. In the latter end of the King's declaration he aſſumed a high and threatening ſtyle: He called the prevailing party in the two houſes of parliament, impudent, malicious men: by the help of God, and the law he would have juſtice for the London tumults; of ſeditious pamphlets and preachers, divers whereof had been recommended, if not impoſed upon ſeveral pariſhes by ſome members of both houſes, he would hereafter take a further account. He had, and ſhould always give as much eſtimation and regard to the advice and council of both houſes of parliament, as ever prince had done; but he ſhould never, and he hoped his people would never account the contrivance of a few factious ſeditious perſons, a malignant party who would ſacrifice the Commonwealth to their own fury and ambition, the wiſdom of parliament. They would have his majeſty remember that his reſolutions did concern kingdoms, and therefore not to be moulded by his own under- Ann. 1642.

* Notwithſtanding the civil meſſage which on this injurious occaſion he received from the Commons, the King aſſerted, that they ſent him no anſwer, and animadverted on their order of reſiſtance in the following manner: It was the firſt time he heard the proteſtation might be wreſted to ſuch a ſenſe, or that in any caſe, though of the moſt undoubted and unqueſtionable privilege, it might be lawful for any perſon to reſiſt and uſe violence againſt a public miniſter of juſtice, armed with lawful authority; though his majeſty well knew, that even ſuch a miniſter might be puniſhed for executing ſuch authority. Charles, on all occaſions, ſhewed his ignorance of conſtitutional authority, which can no longer be lawful when exerted illegally.

ſtanding:

Ann. 1642. ſtanding. He did well remember it; but he would have them remember, that when their conſultations endeavoured to leſſen the office and dignity of a King, they meddled with that which was not within their determination, and of which his majeſty muſt give an account to God and to his other kingdoms, and muſt maintain with the ſacrifice of his life*.

Littleton leaves the parliament, and carries the great ſeal to the King.

THE manner in which the King addreſſed the parliament, varied according to that different tone of mind which circumſtances favorable or unfavorable produced. He had at this time, by the changeable temper of the lord-keeper, got the poſſeſſion of the great-ſeal, an advantage which by his own party was regarded as important, and was the more reſented by the popular faction, becauſe they looked upon Littleton as tied to them by the ſtrong bonds of intereſt and inclination. His introduction into active life had been graced with a ſeeming zeal for the cauſe of Liberty; and whilſt his actions were directed by this line of rectitude, he made ſo conſiderable a figure, that the court thought him a proſelyte worth gaining at any price. Littleton's virtue was not of a temper to reſiſt the temptation of preferment: in the meridian of his character, he proſtituted himſelf to the ends of power for the office of ſolicitor-general †; the King expecting to receive

* With this declaration the King publiſhed a paper which he called, The True Petition of the Army, and is to be found in Clarendon.

† Clarendon ſays, that this office was much to his honour, but not to his profit; the obligation of attendance depriving him of much benefit he uſed to acquire by his practice. *Clar. Hiſt.* vol. I. p. 443.

great

great assistance from his abilities in putting a plausible colour on his assumed right of arbitrary taxation. The advantage he gained by Littleton's defection was not of that importance. New champions arose in defence of law: the right of imposing for ships was disputed by Mr. St. John and Mr. Holborn in a manner that left no room to doubt of the illegality of the pretension; whilst the solicitor-general in this bad cause shewed himself so indifferent a logician, that his arguments served but to complete the triumph of his antagonists, and left to the King no other victory than that of prevailing on the weakness of humanity, and depriving his country of the talents of an ingenious man. On the death of the lord-keeper Coventry, Finch was preferred to the seals, and Littleton was made chief-justice of the Common Pleas. His behaviour whilst in these offices, was such as to procure him so much of the favour of archbishop Laud and the earl of Strafford, that they especially recommended him to the King, as a person who would be useful at the council-table, where, as Clarendon observes, he kept up his good name in a manner, that, on the lord Finch's flying the kingdom, he was thought by the King to be the fittest person to whom he could entrust the seals; and on the earnest desire of the earl of Strafford was created a baron; that delinquent expecting, that by his reputation of deep knowledge in law, he would have a powerful influence on the proceedings of the peers. This was a fond hope. Littleton, as he had once deceived his country from views of profit, so he now deceived his patrons on motives of inclination: he not only neglected to make any interest in favor Ann. 1642.

Aug. 1642. of Strafford, but obeyed the reſolution of the Commons in abſenting himſelf from his trial; and was ſo indefatigable in his endeavors to regain the confidence of the popular faction, that looking upon him as their entire creature, they treated him with much kindneſs and reſpect, whilſt he was ſlighted by his court friends as a perfidious renegade. On Littleton's voting for the legality of the parliament's ordinance for the militia, and accepting under their authority the lieutenancy of a county, the King, inflamed with reſentment, ſent to lord Falkland to demand of him the great ſeal. It not being yet determined in whoſe hands it was proper to commit it, in a conſultation on this ſubject between Falkland, Colepeper, and Hyde, the ſubtle lawyer, who had before tampered with the ductile diſpoſition of Littleton, repreſented, That a great clamour would enſue if the ſeal was one hour out of the hands of a conſtitutional officer: that were it to be tendered to any one who ſhould reject it, it would be yet more prejudicial to the King: beſides, if Littleton cared not for offending his majeſty, he would refuſe to deliver it; and in this refuſal he would be juſtified, rewarded, and cheriſhed by the parliament. He then propoſed that the King ſhould be adviſed to ſuſpend his reſolution, and write kindly to the keeper to bring the ſeal to him, inſtead of ſending for the ſeal itſelf. Hyde's propoſal being aſſented to, he repaired to the lord-keeper, and by many artful inſinuations gained ſo much on him as to obtain the confirmation of a former promiſe, that whenever the King ſhould ſend for him he would follow his meſſenger to York. Matters being thus agreed, in ſome few days following came poſt from

from York one Elliot, a boiſterous young man, who had a long time followed the court in hopes of gaining an employment in the bed-chamber *. He accoſted the Ann. 1642.

* The following is the copy of a letter written by Elliot to lord Digby, intercepted and publiſhed by the parliament.

" My Lord,

" You have ever been ſo ready to oblige, that I cannot deſpair of your favor in a buſineſs where I am much concerned. The King was pleaſed to employ me to London to my lord-keeper for the ſeals, which though after two hours conſideration he refuſed, yet being reſolved not to be denied, my importunity at laſt prevailed; which ſervice the King hath declared was ſo great, that he hath promiſed a reward equal to it. It may be the King expects I ſhould move him for ſome place, which I ſhall not do, being reſolved never to have any but by the queen, being already ſo infinitely obliged to her for her favor, that I confeſs I would owe my being only to her; nor ſhall I ever value that life I hold but as a debt which I ſhall ever pay to her command. The favor which I deſire from your lordſhip is, that you will engage the queen to write to the King, that he would make me a groom of his bed-chamber; which ſince I know is ſo abſolutely in her power, I ſhall never think of another way; for which favor neither her majeſty nor your lordſhip ſhall ever find a more real ſervant. For our affairs, they are now in ſo good a condition, that if we are not undone by hearkening to an accommodation, there is nothing elſe can hurt us, which I fear the King is too much inclined to; but I hope what he ſhall receive from the queen will make him ſo reſolved, that nothing but a ſatisfaction equal to the injuries he hath received, will make him quit the advantage he now hath; which I do not doubt will be the means of bringing your lordſhip quickly hither."

At the ſame time was publiſhed another intercepted letter from the lord Digby to the queen. He congratulates her in being withdrawn from a country ſo unworthy of her, on his arrival in Holland, wherein he deſires to be admitted to her preſence, notwithſtanding a report that the parliament had intreated her not to have any further intercourſe with him: The ground of their malevolence, he tells her, is ſome letters they had preſumed to open, which he had written to her majeſty; notwithſtanding, he is certain he had not communicated any thing that

Ann. 1642. keeper with much bluntneſs, and demanded the ſeal; at the ſame time putting into his hands a letter from the King, ſignifying that if his indiſpoſition * would not permit him to make as much haſte as the occaſion required, to deliver the ſeal to the bearer, and to follow at his leiſure. Littleton, ſurpriſed and angry at the brutal manner of Elliot, and thinking him, by reaſon of his youth an improper perſon to be truſted with a ſecret of ſuch importance, anſwered briſkly, That he would not deliver it into other hands than the King's; but afterwards recollecting that he had now gone too far to recede, he obeyed the directions of the letter, and followed the ſeal with ſo much expedition, that he arrived at York at the end of three days †; but met not with the reception he had been taught to expect. Charles was of an unforgiving diſpoſition, and beſides, Elliot had boaſted that to his courage alone the King owed the poſſeſſion of the ſeal, he having raviſhed it from the keeper, in ſpight of his teeth. Thus, by a deſpicable weakneſs of temper, did this doating old man loſe the eſteem of all parties; and, quitting thoſe real advantages he

could be wreſted to an ill ſenſe by his greateſt enemies, he had not mentioned buſineſs to her ſince he left England. To the King he confeſſed he had written with that hardineſs which he thought his affairs and complexion required, but that was ſent by ſo ſafe a hand, that he could not apprehend the miſcarriage. Thus by theſe incendiaries was the imagination of this weak woman, the chief inſtrument to work effectually on the follies, prejudices, and vices of her huſband, fed with hopes of power and conqueſt, to the ſtirring up of all thoſe bloody miſchiefs which in the end proved ſo fatal to the deluded Charles. *Huſbands Collections*, 8vo. Ed. p. 486, *& ſeq.*

* He was now advanced in life, and ſubject to the gravel.

† He travelled on horſeback.

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enjoyed by the parliament, ſought, by a ſecond breach of truſt *, the ſmiles of a maſter he had offended, and whoſe haughty diſpoſition prevented his treating with complacency his moſt avowed creatures †. Littleton Ann. 1642.

* The popular faction, depending on their intereſt with Littleton, neglected to execute a neceſſary caution which had been propoſed in a conſultation, viz. Whether, in regard the keeper might be ſent for by the King, or that the ſeal might be taken from him, it would not be right to appoint it to be kept in a ſecure place, to be delivered to the keeper for the execution of his office? *Clar. Hiſt.* vol. I. p. 445.

† Clarendon, in his own Life, tells us, That Littleton was very ill treated at York, by thoſe lords, the creatures of the court, whom he had offended by his former conduct; that the King countenanced this behaviour, ſuffering Elliot's extravagant diſcourſes to gain credit, without reprehenſion or vindication; that he never truſted the keeper with the great ſeal, nor permitted him to uſe it, but in his preſence; that this conduct occaſioned a great melancholy in the keeper; that, on his making demurs, objections, and delays, againſt putting the ſeal to one of the King's proclamations, the King would have turned him out of his office; that Mr. Hyde, afterwards earl of Clarendon, who owns that his objections were often reaſonable, interpoſed in his favor, having drawn him into the ſnare; telling the King, that by ſeverity to the keeper he would diſcourage others who deſired to ſerve him faithfully; that the King proteſted, that if it was not for Mr. Hyde's ſake, he would turn the keeper out of his place; that he enlarged upon his fear of diſobliging the parliament; and recommended to Mr. Hyde to give him good counſel. This Mr. Hyde tells us he did ſo effectually, by preparing him by diſcourſe, when any thing was to be done that adminiſtered any argument for doubt, that is, when any thing was to be done which he would think contrary to law, that there was never after any unkindneſs of the King towards him. The ſame author, however, in his character of thoſe privy-counſellors who attended the King at Oxford, tells us, That Littleton's parts, which in the profeſſion of the law were very good, were not applicable to the buſineſs now in hand. This is a favourable teſtimony of this unhappy man's conduct, after his leaving the parliament, and reſiding at Oxford. *Clarendon's Life*, vol. I. p. 120. *Clar. Hiſt.* vol. II. p. 151.

having

Ann. 1642. having begun his journey on the Saturday, and the parliament not meeting till Monday *, it was more than two days before his defection and flight was known †.

THE accident of losing the great seal occasioned much trouble and distraction in the upper house: the earl of Northumberland moved, That a committee might be appointed to consider how there might be an accommodation between the King and his people. This dejection was but momentary; the house of Commons treating the incident as a trifling one, the peers re-assumed courage. A warrant was issued for apprehending the keeper, and, according to the King's repeated invitation, that the parliament would digest into one body all their demands, the following nineteen propo-

The parliament send nineteen propositions to the King.

* Littleton, after his apostacy, was mean enough to write, by the King's direction, a letter to the lord Willoughby of Parham, disavowing the having given his vote for the ordinance of the militia. The Lords ordered the journals of their house to be searched, to ascertain the truth of the matter; and, to the eternal infamy of the keeper, it was found that he had not only given his vote for the ordinance, but had accepted of a lieutenancy, named his deputies, and agreed to the several forms of deputation. These particulars, signed by the clerk, were sent to lord Willoughby, who had, in a letter to the King, quoted the authority of Littleton; and afterwards were printed and published. Not only Littleton the chancellor, but Banks the chief-justice of the Common-Pleas, a lawyer noted for his base compliance with the measures of the court, and for the extraordinary arguments he urged in defence of the King's right of imposing the tax of ship-money, voted for the parliamentary ordinance of militia. The earl of Essex was put into the lieutenancy of the county of Salop, in Littleton's place. *Parl. Hist.* vol. XI. p. 199.

† The house of peers, by his management, had been adjourned till a later hour than usual.

sitions,

fitions, containing thoſe particulars which were thought neceſſary reſtraints on the royal power, were now offered to him: That the members of the privy-council, and the officers of ſtate, ſhould be approved by the two houſes, or by the council, in the interval of parliament; and that privy-counſellors ſhould take an oath for the due execution of their office, the form to be agreed on by parliament: That public acts ſhould be done by the conſent of the major part of the council, atteſted under their hands: That the number of the council ſhould be limited to fifteen, or five-and-twenty at moſt: That thoſe who were entruſted with the government of the King's children ſhould be approved by both houſes, or, in the interval of parliament, by the council: That no marriage ſhould be concluded or treated for the King's children, but by conſent of parliament *: That the laws againſt Jeſuits, prieſts, and popiſh recuſants, ſhould be ſtrictly put in execution, without any toleration or diſpenſation; and that a more effectual courſe ſhould be enacted, to diſable them from making diſturbance in the ſtate: That the votes of popiſh lords ſhould be taken away; and that a law ſhould be enacted for educating the children of Papiſts in the Proteſtant religion: That the King would conſent to ſuch a reformation of the worſhip and government of the church, as both houſes of parliament, with the aſſiſtance of divines, ſhould adviſe: That he would reſt ſatisfied with the ordinance of the militia, until Ann. 1642.

* They had experienced very ill conſequences from the capricious alliances the crown had made with popiſh princes, and they had no hope of getting rid of theſe but by reſtraining the royal choice.

the

Ann. 1642. the ſame ſhould be farther ſettled by bill: That members of parliament, who had been deprived of their offices this ſeſſions, ſhould be reſtored, on the petition of both houſes: That privy-counſellors and judges ſhould take an oath for maintaining the petition of right, and other ſtatutes made this parliament: That the officers of ſtate and judges ſhould hold their places *quamdiu ſe bene geſſerint*: That the juſtice of the parliament ſhould paſs upon all delinquents: That the general pardon offered by the King ſhould be granted, with ſuch exceptions as ſhould be offered by the two houſes: That the forts and caſtles of the kingdom ſhould be put under the cuſtody of perſons approved by parliament, or, in the interval of parliament, by the council: That the King's levies ſhould be diſbanded: That he would enter into a more ſtrict alliance with the ſtates of the United Provinces, and other Proteſtant princes, againſt the pope and his adherents, and for the recovery of the Palatinate: That the ſix members ſhould be cleared by act of parliament †: That no

† The parliament had before ſent up a bill for the clearing the ſix members, which was refuſed by the King. The King ſaid, that one reaſon for his refuſal was a clauſe in the bill, declaring, that no member of either houſe, upon accuſation of treaſon, could have his perſon ſeized, without the conſent of that houſe of which he was a member; "contrary, ſays he, to the known laws of the land, which extends not privilege of parliament to treaſon." The parliament allowed this maxim, but confined its ſignification to manifeſt treaſon: otherwiſe, that the proofs ſhould be explained to the parliament, to prevent that prejudice which muſt accrue to the public from the King having it in his power, at a critical juncture, to impriſon the leading members of both houſes. The King continued obſtinately to aſſert, that his right in this point was undeniable.

peers

peers * made hereafter ſhould ſit in parliament without conſent of both houſes. Theſe their deſires granted, the parliament promiſed to apply themſelves to regu- Ann. 1642.

* Patent peers, created by the meer prerogative of the crown; a prerogative dangerous to the very exiſtence of the conſtitution and the liberty of the ſubject; a prerogative which has ever been notoriouſly abuſed, and which looks with a baleful aſpect on the whole body of the Commons, is, according to a ſmall octavo treatiſe, entitled, An Enquiry into the Manner of creating Peers, an encroachment on the privileges of the people of no earlier a date than the reign of Henry VII; the author of the forementioned treatiſe affirming that peers created by letters-patent, previous to this period, was done by the aſſent of parliament. I have been told, that there are records extant which contradict this aſſertion; but it is likely that the exceptions are few; and that the aſſent of parliament was regarded as neceſſary to render ſuch creations conſtitutional.

The propoſitions mentioned in the text, and others, in which ſeveral particulars were to be removed from the perſons of the King and queen; the queen, to take an oath in the preſence of both houſes, that ſhe would not intermeddle concerning the diſpoſal of places, or in any of the affairs of ſtate and government; none of the King's children to go beyond the ſeas, without the conſent of parliament; no popiſh ſervice to be ſaid in the courts of the King, queen, or prince; nor any of their ſervants permitted to be preſent at maſs, under the penalty of loſs of office; that thoſe members of the lower houſe accuſed of offences againſt that houſe, who had been made peers this preſent parliament ſhould, by act of parliament, be put out of the upper houſe; and that all the members of the houſe of Commons who had this parliament been made peers, ſhould be excluded from giving their votes, unleſs both houſes ſhould give their aſſent; that the King would make a public declaration that, according to law, he would not receive any private information or ſuggeſtion againſt any members of parliament, for things done in parliament; and that he would diſcover the names of thoſe who had adviſed him in the buſineſs of proſecuting the ſix members; had been long under the conſideration of both houſes. The crude materials, afterwards digeſted into thoſe nineteen propoſitions, that were preſented to the King, were furniſhed by the joint committee of Lords and Commons, appointed to ſit at Grocer's-Hall, during the adjournment of parliament, which immediately preceded the King's coming to the lower houſe to demand the ſix members. *Parl. Hiſt.* vol. X. p. 403, *et ſeq.* *Clar. Hiſt.* vol. I. p. 309.

Ann. 1642. late the King's preſent revenue, to encreaſe it beyond the proportion of any former grants to the crown, and to put the town of Hull into ſuch hands as the King ſhould appoint.

It muſt be allowed, that theſe propoſitions new-modelled the conſtitution, infuſing in it ſo much of the ſpirit of a republic, that they deprived the monarch of every prerogative noxious to good government; nor could they be ſaid to ſecure to the people a full and permanent enjoyment of liberty, without additions relative to the ſtrengthening and confirming the democratical power in a manner that ſhould prevent oligarchy or ariſtocracy from eſtabliſhing itſelf on the ruins of monarchy: but as the management of public affairs was now in the hands of wiſe and virtuous men, it is to be ſuppoſed, that theſe important points would have been attended to, if Charles, on the forementioned grounds, had entered into treaty. He was not of a diſpoſition to conſent, in his preſent circumſtances, to ſuch an abridgement of regal privilege: "Should I grant theſe demands, ſaid he, in his reply, I may be waited on bare-headed, I may have my hand kiſſed, the title of majeſty continued to me, and the King's authority, ſignified by both houſes of parliament, be ſtill the ſtyle of your commands; I may have ſwords and maces carried before me, and pleaſe myſelf with the ſight of a crown and ſceptre; but even theſe twigs would not long flouriſh when the ſtock on which they grew was dead; but as to true and real power, I ſhould remain but the outſide, but the picture, but the ſign of a King." He told the parliament, that if they had unſeaſonably vented their propoſitions, their hopes would

The King rejects the parliament's propoſitions.

Huſbands's Collections, 4to ed. p. 311, & ſeq.

would ſoon have been blaſted: to bring their deſigns to this ripeneſs, they had removed a troubleſome rub in their way, the law*; they had erected an upſtart authority without him; they had prepared and directed to the people unprecedented invectives againſt his government, to weaken his authority and due eſteem among them †; they had injuriouſly and preſumptuouſly, though he conceived impudence itſelf was aſhamed of it, attempted to caſt on him aſperſions of favoring a rebellion in his own bowels; they had broached new doctrines, that he was obliged to paſs all laws that ſhould be offered to him by both houſes ‡; they had Ann. 1642.

* Could they have done this if the law, by an abuſe of power, had not been found a grievance?

† If thoſe invectives had contained falſhoods, they would only have been prejudicial to their authors; if truths, there was no eſteem due.

‡ In one of the voluminous declarations on the buſineſs of Hull, the parliament aſſerted, That the kings of this realm ſtood engaged by the oath that they did, or ought to take at their coronation, as well to confirm ſuch laws as the people ſhould chooſe, and to remedy by law ſuch inconveniencies as the people might ſuffer, as to keep and protect the laws already in being: this, they ſaid, appeared by the form of the oath upon record, and in books of good authority, and by the following clauſe in the ſtatute of 25 Ed. III. entitled, The Statute of Proviſors of Benefices. "Whereupon the ſaid Commons have prayed our lord the King, that ſince the right of the crown of England, and the law of the ſaid realm, is ſuch, that upon the miſchiefs and damages that happen to his realm, he ought, with the accord of his people in parliament, thereof to make remedy and law, &c." The King, notwithſtanding the authority of this clauſe, denied the right of the claim, by a verbal criticiſm on the tenſe of the Latin verb *eligerit*, ſignifying *hath choſen*, as well as *ſhall chooſe*; and peremptorily inſiſted, that he had an abſolute option, to paſs, or not to paſs, any bill tendered by parliament, without giving any reaſon for his refuſal. Much may be ſaid in defence of either of theſe contradictory claims. Certain it is,

Ann. 1642. interpreted his neceſſary guard legally aſſembled for his defence, againſt a traitor in open rebellion againſt him, to be with intent to levy war againſt his parliament, a thought his ſoul abhorred, thereby to render him odious to his people *. They had awed his good

if the King, conceiving any ſuch bill prejudicial to himſelf, or inconvenient to the public, hath a right to make uſe of his negative voice, ſo have the parliament, who are more immediately truſted by the people, a right to exert the whole power veſted in them by the conſtitution to force the royal aſſent to any bill they think conducive to public utility. The reſolution, That the King was bound by his oath to paſs ſuch bills as ſhould be preſented to him by both houſes of parliament, for the good of the kingdom, paſſed by a majority of 103 againſt 61. *Parl. Hiſt.* vol. XI. p. 149.

* Notwithſtanding this ſtrong aſſeveration, beſides the undeniable teſtimony of the King's warlike preparations, his hiſtorian Clarendon, with a variety of contradictory aſſertions, owns the intent of levying war to reſiſt the parliament, from the period of the King's abſenting himſelf from that aſſembly. After ſhewing that the intent of the King's journey northward was to ſecure Portſmouth and Hull, towns well ſituated for the receiving foreign ſupplies, he ſays, That when the King found, on his arrival at York, a great alacrity expreſſed for his ſervice, he was determined to treat the two houſes in another manner than he had done; and to have nothing extorted from him, but what he was well inclined to conſent to: That he omitted no opportunity to provide againſt the ſtorm he ſaw was coming, nor neglected the proviſion he thought moſt neceſſary for his defence: That the queen was as intent to do her part, and to provide, that ſo good company as ſhe heard was daily gathered together about the King, ſhould not be diſſolved for want of weapons to defend one another: That, with as much ſecrecy as could be uſed in thoſe caſes, and where ſhe had ſo many ſpies upon her, ſhe cauſed, by the ſale or pawning of her own and ſome of the crown-jewels, a good quantity of powder and arms to be in readineſs in Holland, againſt the time it ſhould be found neceſſary to tranſport them to his majeſty. After this plain confeſſion of what had been well proved to the parliament, the author, in a period of thirty-eight lines, makes the following extraordinary animadverſions:

ſubjects with purſuivants, heavy cenſures, and illegal impriſonments, that few of them durſt preſent their Ann. 1641.

madverſions: "It will be wondered at hereafter, that, in a judging and diſcerning ſtate, where men either had, or ſeemed to have, the faculty of their reaſon and underſtanding at the height, thoſe men who had the ſkill and cunning, out of froward and peeviſh humours and indiſpoſitions, to compound fears and jealouſies, and to animate and inflame thoſe fears and jealouſies into the moſt prodigious and boldeſt rebellion any age or country ever brought forth: I ſay, it may ſeem ſtrange that theſe men could entertain the hope and confidence to obtrude ſuch a declaration and vote upon the people, that the King did intend to make war againſt the parliament, when they were ſo far from apprehending that he would be able to get an army to diſturb them, that they were moſt aſſured he would not be able to get bread to maintain himſelf three months, without ſubmitting all his counſels to their conduct and controul; and that the offering to impoſe it did not awaken the people to an indignation which might have confounded them; for beſides their preſumption, in endeavoring to ſearch what the ſcripture itſelf told them was unſearchable, the heart of the King, the very law of the land, whoſe defence they pretended, makes no concluſion of the intention of the meaneſt ſubject, in a matter of the higheſt and tendereſt conſequence, even treaſon itſelf againſt the life of the King, without ſome overt, unlawful act, from whence, and other circumſtances, the ill intention may be ſeaſonably made appear, &c." In another place, the ſame hiſtorian ſays, That many did yet believe the King too long deferred his recourſe to arms; and that, if he had raiſed forces upon his firſt repulſe at Hull, his ſervice would have been very much advanced; and that the parliament would not have been able to have drawn an army together: but that the King had not, at that time, one barrel of powder, nor one muſquet, nor any other proviſion neceſſary for an army, and, which was worſe, was not ſure of any one port to which they could be ſecurely aſſigned; nor had he money for the ſupport of his own table for the term of one month: That he expected with impatience the arrival of all thoſe neceſſaries, by the care and activity of the queen, who was then in Holland, and who, by the ſale of her own as well as the crown jewels, and by the friendſhip of Henry prince of Orange, did all ſhe could to provide all that was neceſſary: That the King had newly directed her to ſend all to Newcaſtle;

Ann. 1642. tenderneſs of his ſufferings, though in an humble petition, to both houſes; and if any did, it was ſtifled in the birth, and called ſedition *. "The perſon of the King, ſays Charles, hath been ſometimes unjuſtly depoſed; yet the regal power was never, before this time, ſtrucken at. Such who have been miſled by ill counſels to have any hand in the execution of the militia, will ſee to what end their ſervice is deſigned; and therefore, if they ſhall preſume hereafter to meddle in it, they muſt expect that we will immediately proceed againſt them as enemies to our ſovereign power." In this anſwer it is to be obſerved, that the King, inſtead of entering into the queſtion, Whether, as he had abuſed his power, and had been guilty of many breaches of faith; his word ought to be taken, that he would for the future govern according to the law of the land? entered into a deſcription of the nature of the Engliſh conſtitution, which he acknowledged to partake of monarchy, ariſtocracy, and democracy; that the regal power was relative and limited; that juriſdiction belonged to the Peers, and impeachment of evil miniſ-

Parl. Hiſt. vol XI. p. 162.

caſtle; and, in the mean time, both the King himſelf, and thoſe who knew the ſtate of his affairs, ſeemed to be without any thoughts of making war, and to hope that the parliament would, at laſt, encline to ſome accommodation: That, after the arrival of ammunition, all levies were haſtened with as much diſpatch as poſſible, the lords and council about the King, with ſeveral other perſons of quality, making a voluntary ſubſcription for the payment of ſo many horſe in three months. *Clar. Hiſt.* vol. I. p. 361, 415, *& ſeq.* 520, 522.

* Could the authority of parliament have done this, if the King's conduct had not deprived him of the affections of the major part of his people?

ters

ters to the Commons: he aſſerted, that the executive part of government was entirely truſted to the King; that he ſhould look on the advices of his parliament as advices which he was at full liberty to receive or reject, not as commands; upon them, as counſellors, not his tutors; and upon himſelf as their King, not as their pupil. Though this explication lowers the value of the former conceſſion, yet, upon the whole, the language of this reply is very different from what, by the King's direction, had been prated in the pulpit, and from what he had himſelf formerly uſed, when in the zenith of his power*; nor did his penman eſcape the cenſure of the party, who thought that the myſteries of ſtate were imprudently unveiled; and that theſe performances would be a laſting condemnation of the King's paſt conduct, and an obſtruction to his future government †. The King, not being yet able to put Ann. 1642.

* "I muſt let you know, ſaid he to the Commons, when they were preparing a charge againſt Buckingham, that I will not allow any of my ſervants to be queſtioned among you, much leſs ſuch as are of eminent ſtate and near unto me." He not only ſcreened ſome of his miniſters from condemnation, by diſſolving parliaments, but pardoned and promoted thoſe who had been condemned by parliament, telling thoſe aſſemblies, that they were to be, or not to be, at his pleaſure; that he would puniſh their members for what they had ſaid and done againſt adminiſtration.

† The earl of Clarendon, at this time Mr. Hyde, was the perſon generally employed in drawing the King's anſwers; but he tells us, That this, the moſt rational and the moſt maſterly one, was done by the lord Falkland and Sir John Colepeper; that though it was full to all particulars, and writ with very much wit and ſharpneſs, yet there were ſome particulars that himſelf, Mr. Hyde, liked not, as prejudicial to the King; that there was a miſtake, in point of right, in that part prepared by Sir John Colepeper, which declared the King, the houſe of

Ann. 1641. himself in a posture of offensive war, by reason of the vigilance the parliament had used in securing the magazines of arms and ammunition throughout the kingdom; and that the queen had not yet found an opportunity to transmit either money or arms from Holland*, endeavoured to quiet the minds of the people, which had been much agitated, on the opinion that he intended to levy war against the parliament. In a council of those lords that were assembled at York, he professed, before God, that he always had and did abhor such designs; and desired the nobility to declare, whether they had not been witness of his frequent and earnest solicitations and professions to that purpose? Whether they saw any colour of preparation, or councils, that might reasonably beget a belief of any such design?

The King disavows the intention of levying war on the parliament.

of Peers, and house of Commons, made the three estates; that, for this reason, Mr. Hyde did not advance the printing it, but without communicating his reasons to the King, for the sake of lord Falkland and Sir John Colepeper, the King being extremely jealous that they had not a proper affection to the church. Sir John Colepeper, Clarendon says, was misled by the infusion of lawyers, and by declarations which many of the prelatical clergy frequently and ignorantly made, that the bishops did not sit in parliament as the representatives of the clergy; and therefore could not be the third estate. The History of Clarendon's Life, written by himself, shews that his prejudices and fond affections were very similar to those of the King's; and that they effectually co operated with his, not only to the preventing reforming abuses, but to the entire overthrow of the civil constitution. *Clar. Life*, vol. I. p. 130.

* Clarendon says, that the queen found it difficult to transmit the money she had procured, by reason of an order of parliament against whoever should be an actor in the selling or pawning the crown-jewels, or whoever should advance money on them, or bring any specie into the kingdom so raised. *Clar. Hist.* vol. I. p. 497.

and

and whether they were not fully perſuaded, that he had no ſuch intention; but that all his endeavors tended to the firm and conſtant ſettlement of the true Proteſtant religion, the juſt privileges of parliament, the liberty of the ſubject, and the law, peace, and proſperity of the kingdom *? The moſt ſolemn atteſtations of falſhood, under the ſanction of mental reſervation, was ſo common a part of the King's conduct, that notwithſtanding he conſtantly denied, with the ſtrongeſt aſſeverations, that he had made any preparations for war, the public were not at all ſurprized to find, by intelligence from Holland, that the queen, from her firſt arrival in this country, had been very buſy in her negociations for foreign aſſiſtance, and had been providing large ſums of money, and all kind of warlike ſtores, with the ſale of the crown-jewels †. The arrival of a ſmall veſſel loaded with arms and ammunition, which had very narrowly, by running itſelf into a narrow creek of the river Humber, eſcaped the vigilance of Warwic, tempted the King to declare his intentions. Ann. 1642. Journals of Commons, vol. II. p. 623.

HAVING at length prevailed with the nobility at York to ſign a paper, whereby they engaged themſelves to defend his perſon, crown, and dignity againſt all perſons and power whatſoever, he iſſued out commiſſions Meaſures of the King to put himſelf in a military poſture.

* Thirty-ſix Lords, and four Commoners, who were of the privy-council, ſigned their names to a paper, atteſting the truth of what the King had profeſſed in this prevaricating declaration.

† Amongſt theſe ſtores a mortar was bought for ſhooting of fire-balls of forty-eight pounds weight. The money raiſed upon theſe jewels was more than a hundred thouſand pounds. This was the ſecond time the King had pawned the crown-jewels.

Ann. 1642. of array *, at the ſame time declaring, that his intentions were not to make war againſt the parliament, but againſt a few malignant ſpirits, who he was determined to bring to juſtice †. This ſophiſtry was too

The King declares war on his oppoſers.

* Serjeant Wild was ſent up by the Commons, with an impeachment againſt Sir Richard Gurney, the preſent Lord-Mayor of London, a bigotted royaliſt: For publiſhing the King's illegal proclamation for the commiſſion of array: For procuring a petition to be ſent to the King, contrary to the ſenſe of parliament: For countenancing a riot: For refuſing to call a common-council, on the command of parliament. The following ſentence was paſſed on him by the Lords: To be deprived of his office: To be held incapable of office in the city, or receiving any farther honour: To be impriſoned in the Tower of London, during the pleaſure of the houſe. The Lord-Mayor had been impriſoned on his impeachment: this, by the fees that were exacted, was no light puniſhment. A petition of Sir John Conyers, lieutenant of the Tower, imported, That the Lords would pleaſe to ordain the Lord Mayor to pay for fees for his entrance, and for compoſition of furniture for his lodging, one hundred and forty pounds, and twenty-five pounds a week for his diet. Conyers demanded fees of the Lord-Mayor as an earl, and he refuſed to pay more than as a knight. Alderman Pennington, a ſtaunch friend to the parliament, was choſen Mayor on the deprivation of Gurney, who continued ſo obſtinate in oppoſition, as to refuſe to deliver up his ſword to any but the King. On his refuſal, the Lords ſent their gentleman-uſher to his houſe, to break open his locks, and poſſeſs himſelf of the ſword and other ornaments belonging to the office. He had been before ſummoned to attend the houſe, on his attempting to proclaim one of the King's proclamations againſt an ordinance of parliament: on his averring, that he was bound by his oath, to execute all writs from the King, he was told by the ſpeaker, in the name of the houſe, that he was not bound to execute any writ contrary to law, and required, on his peril, not to publiſh any thing of the kind before he had acquainted the parliament with it. *Parl. Hiſt.* vol. XI. p. 255. 267 *& ſeq.* 338. 369. 387.

† The King argued, That he was ſo eſſential a part of the parliament, that when he ſeparated himſelf from their councils, the two houſes loſt all the authority and reverence that was due to parliament. Was not this a claim that the power of diſſolving the parliament remained yet with

apparent to have its intended effect. The commiſſion of array, an antiquated prerogative, rendered illegal by a clauſe in the late preſſing act *, was received with Ann. 1642.

with him, notwithſtanding the law paſſed againſt a diſſolution, without the conſent of parliament?

* Theſe commiſſions of array were what the King alluded to when, in his declaration relating to the militia, he ſaid, he did not doubt he could grant ſuch commiſſions as would legally enable thoſe he truſted to do all offices for the peace and quiet of the kingdom. The parliament alleged, That the King's commiſſion to compel men againſt their will to provide arms, to train and muſter, to be commanded out of their counties, and to be impriſoned at pleaſure, was contrary to the ſenſe of ſeveral acts of parliament, and expreſsly againſt the petition of right and the preamble of a ſtatute made this parliament, entitled, An act for the better raiſing and levying of ſoldiers for the preſent defence of the kingdoms of England and Ireland. The King, in a very voluminous declaration, endeavored to prove, that this right was inherent in the crown, and had never been curtailed by any ſtatutes, urging two very extraordinary arguments, in contradiction to what had been advanced by the Commons, viz. That tho' the arming a man's ſelf, or finding arms for another, could not be done without charge; yet that the clauſe in the ſtatute of the petition of right, ſetting forth that, by the laws of the realm, the ſubjects had inherited the freedom, that they ſhould not be compelled to contribute to any tax, talliage, aid, or other like charge, not ſet by common conſent in parliament, had nothing to do with the queſtion in diſpute; and for the ſtatute entitled, An act for the better raiſing and levying of ſoldiers, that the recital in the preamble of the ſtatute was not binding, though he had deſired that this ſtatute might paſs with a *ſalvo jure* for the King and people, on account of this very preamble. The King uſed an argument more plauſible for the neceſſity of the act, from the votes of parliament declaring, that the kingdom was in imminent danger of deſtruction, from enemies abroad and a diſcontented party at home; and that there was a neceſſity to put the people into a poſture of defence. This the parliament could have anſwered by declaring, that the true ſenſe of thoſe votes were, that the liberty of the kingdom was in danger; and that it was neceſſary for the ſubjects to arm in their own defence, under the authority of their proper repreſentatives: that this vote was thus explained

Ann. 1642. much diſguſt; Mr. Selden, a man of the firſt reputation as a lawyer, having voted againſt it, as a thing without any authority of law, the ſtatute of Henry the Fourth on which it was grounded being repealed *. An important circumſtance of a fatal tendency, contributed to damp the hopes of the royaliſts. Notwithſtanding that the fleet, by the compliance of the earl of Northumberland to the requeſt of parliament, was now under the command of the earl of Warwic, a ſtaunch partizan to the popular cauſe; yet the King flattered himſelf, that the whole body of ſeamen were ſo much at his devotion †, and that he had ſo great an

plained by a following one, That the King, ſeduced by wicked counſel, intended to make war againſt his parliament. The parliament would not allow the poſtulatum from which the King deduced his argument, viz. That the kingdom could not be put into a poſture of defence, without the command of him the ſupreme governor. It is true, argued they, the King has nominally ſuch a prerogative; but then it is to be exerciſed according to the ſenſe and judgment of the parliament, who alone can give him ſufficient powers, and are the only judges of the ſtate of the neceſſity and the manner of the defence; and, if the King refuſes to execute their judgment, they are empowered by their truſt, as the Roman dictators were by a particular law of the people, to ſee that the Commonwealth receives no damage. This muſt be the fundamental law of the conſtitution, becauſe the conſtitution cannot exiſt without it; and there muſt be a latent power in every free government, to ſupport itſelf againſt the invaſions, oppoſitions, obſtinacy, or imbecility of the executive magiſtrate.

* The court, who thought Mr. Selden well affected to them, were ſo chagrined at the opinion he gave in parliament on this ſubject, that the lord Falkland writ an expoſtulatory letter to him, demanding of him the reaſon why, in the preſent conjuncture, whatever his opinion was, he would oppoſe the commiſſion of array. *Clar. Hiſt.* vol. I. p. 517.

† On the ſeamen offering their aſſiſtance to guard the committee and the ſix members, on their return to Weſtminſter, the King aſked, What

he

interest with the officers of the navy, that they would desert from their admiral, on the least intimation of his will. Ann. 1642.

Sir John Pennington was sent to the Downs to supersede the earl of Warwic, and to take on himself the command. Letters were accordingly dispatched to the captains of the several ships, to obey the directions they should receive from Pennington. But, to the King's great surprize and mortification, his mandate was rejected with contempt; and the whole fleet, the vice-admiral and four captains excepted, who by the courage of the seamen were immediately brought to *, chearfully submitted to an ordinance of parliament, appointing the earl of Warwic lord high-admiral of England, in the room of the earl of Northumberland, who had resigned his command on the King's dismission †. The King endeavours in vain to get the command of the fleet.

he had done to offend those water-rats? But, notwithstanding this token of their inclinations to the parliament, he yet thought them so much his creatures, that they would have thrown the earl of Warwic over-board, if he should have commanded them. These flattering presumptions are strong marks in Charles's character. *Clarendon's History*, vol. I. p. 523.

* The seamen shewed so much courage and activity on this occasion, that, on the peremptory refusal of two of these officers to come to, they surrounded their ships in open boats, without arms, entered them, struck their yards and top-masts, seized the captains, though armed with their pistols and swords, and brought them prisoners to the admiral, who sent them up to the parliament. *The Earl of Warwic's Letter to Mr. Pym. Parl. Hist.* vol. XI. p. 268, *& seq.*

† Clarendon says, that this catastrophe was owing to the ill conduct and irresolution of Pennington: but on this, as on other occasions,

Ann. 1642. THROUGH an unpardonable neglect of the parliament, the earl of Newcaſtle, aſſiſted by the gentlemen of the county, had taken poſſeſſion of the town of Newcaſtle; and thus ſecured to the King a port to receive the ſupplies he expected from Holland. This incident recruited the ſpirits of the court. The earl of Lindſey, who had been a creature of the duke of Buckingham's, and whoſe conduct had been very ſuſpicious in the command of the expedition to relieve the ill-fated Rochellers, was appointed general of the King's army; his nephew, prince Rupert, brother to the Elector Palatine, was deſigned for the generalſhip of horſe*; Sir Jacob Aſhley was to be major-general of

ſions, he flatly contradicts himſelf, by advancing, firſt, that the parliament had garbled the navy according to their intereſt; and then alleging, that there were many gentlemen ſettled in the command of ſhips, whoſe fidelity and affection his majeſty was aſſured no ſuperior officer could corrupt; that captain Cartwright, a ſtaunch friend to royalty, the comptroller of the navy, had been prevented from accepting the office of vice-admiral by an expreſs intimation from the King, he thinking that he ſhould give too much countenance to the conduct of the parliament, if he ſuffered an officer of his own to command the fleet, under an admiral he did not appoint. This formality, Clarendon ſuppoſes, was very miſchievous to the King; and that captain Cartwright, had he been in the office of vice-admiral, could have preſerved to him a great part of the fleet.

This, and other accidents, the fore-mentioned hiſtorian, who deals much in judgments, ſays, looked like the hand of Providence, to take that ſtrength out of his majeſty's hand of which he was the moſt confident. *Clar. Hiſt.* vol. I. p. 375, 378, 526.

* The employing his nephews in the war againſt his people, was ſuppoſed to be a piece of policy in Charles, his ſiſter and her family having, till this period, enjoyed a great popularity among the Engliſh. The King had taken his elder nephew, the prince Elector, with him, in

the foot; and the marquis of Hertford * had a commiſſion to be kept ſecret till occaſion ſhould ſerve, to be his lieutenant-general of all the weſtern parts of the kingdom; with a power to levy ſuch a body of horſe and foot as he found neceſſary for his ſervice, and to contain his people within the limits of their duty. Ann. 1642.

THE firſt expedition of the King's was an attempt to recover Hull. Having previouſly put forth a proclamation, declaring the rebellion of Sir John Hotham; and ſent a meſſage to the parliament, ſignifying, that, before he would uſe force to reduce Hull, he once more required them to deliver it to him; wherein if they would conform, he would then be willing to admit ſuch addreſſes, and return ſuch propoſitions as might be proper to ſettle the peace of the kingdom; he repaired with his whole court to Beverly, attended with a ſmall train of artillery, thoſe troops of horſe and foot which had been raiſed to attend him as a Expedition againſt Hull.

in his expedition to ſeize the five members. This prince, fearing the being farther expoſed to the probability of public hatred, had left the kingdom: his leſs prudent mother, though at this time ſupported entirely by the bounty of the Engliſh parliament, had written to her two ſons, Rupert and Maurice, both of them engaged in the King's ſervice, in a manner that expoſed her ſo much to the reſentment of this aſſembly, that it was warmly agitated, Whether, as ſhe had made ſo ungrateful a return for the favors ſhe had received from the popular intereſt in this country, it would not be both equitable and convenient to with-hold her allowance, and employ it to the public ſervice?

† This marquis of Hertford was that Seymour who had been ſo rigorouſly and illegally proſecuted by James, on his marriage with the unfortunate Arabella Stewart: he had received continual diſobligations from the reigning family, which occaſioned him ſome degree of popularity; yet his love of royalty was ſo great, that on the firſt advances from

Ann. 1642. guard, and the train-bands of the county *, to which place he assigned the parliament to send their answer.

Parl. Hist. vol. XI. p. 263, & seq. 276, 282, & seq.

FRESH advices having been received from Holland, that vessels had embarked from thence, fraught with a large proportion of arms, and carrying on board prince Rupert, prince Maurice, and other officers, designed to serve in the royal army; that some of the troops, raised by the commission of array, had begun

from the court, he chearfully accepted the invidious office of being tutor to the prince; and afterwards the nefarious one of raising arms against his country, in support of an oppressive power, under which he had himself smarted.

* The parliament received intelligence, that colonel Wilmot, Sir Hugh Pollard, and Sir John Berkeley, were landed, with fourteen pieces of ordnance, and were making fortifications near Hull; that the lord Willoughby of Eresby, son to the earl of Lindsey, and Sir Thomas Glemham, were come with two hundred horse, upon the Humber side in Lincolnshire; that the King came to Beverly, on the fourth instant in the morning, intending to set down before Hull the next day; that by proclamation he had forbid any provisions to be sent into the town, on pain of death; but that Sir John Hotham had drowned the country two miles round the town, so that no near approach could be made. On this intelligence it was resolved, That ten thousand foot should be raised, five thousand out of the liberties of London, and five thousand out of the adjacent counties; that the officers should be kept in continual pay, and the common soldiers every day they were trained; that two thousand men should be sent by sea to Hull, and some ships of war go down to the Humber; and that six pieces of ordnance, that were lately sent from this town, should be returned. The earl of Leicester, and lord Spencer, for opposing these resolutions, were removed from their lieutenancies of Kent and Northamptonshire; and the earl of Pembroke, who had before the lieutenancies of Wiltshire, the Isle of Wight, Kent, and the shires of Monmouth, Brecon, Glamorgan and Caernarvon, was appointed in their room. *Parl. Hist.* vol. XI. p. 270, 363, & *seq. Journals of the Commons*, vol. II. p. 682.

stilities

hoſtilities on the officers of militia, and had attempted to Ann. 1642.
ſeize on a magazine of arms in the county of Leiceſter, guarded by the earl of Stamford *. The declaring that lord, and thoſe who had aſſiſted him in the ſervice, traitors; the ſending of troops into Lincolnſhire, and ſeizing men's horſes by force; the garriſoning the town of Newcaſtle; the fortifying the river Tyne, to interrupt the conveyance of coal †; the inſolent behaviour of the Papiſts in Cheſhire, who in a peremptory manner demanded their arms ‡, ſeveral commiſſions having been given out to raiſe voluntiers for the King's ſervice: theſe, with a threatening declaration § againſt the proceedings of both houſes, and their adherents, occaſioned the parliament no longer to delay the putting themſelves into a poſture of defence. They paſſed a vote, That an army ſhould be raiſed for the ſafety of the King's perſon, the defence of both houſes

The parliament paſs a vote for raiſing an army, and prepare for defence.

* It was Mr. Haſtings, of the Huntingdon family, that endeavoured to ſeize on this magazine.

† The Commons having received information of great ſtore of arms and money being packed up, to be conveyed to York, paſſed an order for a general ſearch to take place in all cities, towns, villages, and ſhips, for theſe particulars. *Journals of the Commons*, vol. II. p. 653.

‡ The parliament had providently ſecured the arms of the Papiſts, who began at this time to be very riotous. A petition from Monmouth expreſſed great fears from the flocking together of theſe ſectaries. *Journals of the Commons*, vol. II. p. 579.

§ In a conference on the ſubject of this declaration, the Lords deſired the Commons to conſider into what condition all thoſe perſons were brought, who had obeyed the orders and commands of parliament, that there might be a ſpeedy courſe taken to provide for the ſafeties of the ſitting of parliament, the lives of its members, and the ſafety of all thoſe who had obeyed their commands. *Parl. Hiſt.* vol. XI. p. 265.

Ann. 1642. of parliament, and of thoſe who had obeyed their orders; and for preſerving the true religion, laws, liberty, and peace of the kingdom: that the earl of Eſſex ſhould be their general; and that they would live and die with him *. The earl of Bedford was nominated to the command of the horſe; whilſt Hampden, Hollis, Whitlock, Fiennes, Mainyard, Grimſtone, Selden †, Stapleton, St. John; men either eminent for their great knowlege of the law ‡, and conſtitution of the country, or for high virtues and abilities, entered themſelves into the ſervice of the parliament, and ac-

* To the ordinance for the commiſſion conſtituting the earl of Eſſex captain-general, the earl of Portland only diſſented in the upper houſe. The Commons ordered that the time when their houſe firſt voted the raiſing of an army ſhould be printed. *Parl. Hiſt.* vol. XI. p. 300. *Journals of the Commons*, vol. II. p. 700.

† The King thought himſelf ſo ſure of the affections of Mr. Selden, that he would have offered him the ſeals, but that he was told his love of indolence would make him decline the office. Whatever affection Mr. Selden might have to the perſon of the King, and however irregular he might think the conduct of the parliament, yet, when matters came to ſuch an extremity as to oblige the two parties to appeal to the ſword for the determination of their ſeveral pretenſions, he wiſely concluded that, if the popular party prevailed, on the wrecks of the preſent conſtitution might be eſtabliſhed a ſyſtem of law and Liberty; but, if victory attended the royaliſts, it would enable the King effectually to annihilate both. Notwithſtanding Whitlock, a cotemporary writer of undeniable authority, aſſerts, that Mr. Selden accepted of a commiſſion under the ordinance of militia, yet Clarendon ſays, that he inveighed againſt it as without ſhadow of law, or pretence of precedent, and deſtructive to the government of the kingdom. *Clarend. Hiſt.* vol. I. p. 517.

‡ Corbet and L'Iſle, two eminent lawyers, gave likewiſe an opinion for the legality of the ordinance of militia. *Whitlock*, p. 54.

cepted

cepted of commiſſions under the ordinance of the militia *. The parliament were not without hope that the King, whoſe condition was by no means promiſing, might yet be brought to reaſonable conceſſions. At the ſame time that they paſſed their votes for raiſing an army, they reſolved, That a petition ſhould be prepared, to move the King to a good accord with the parliament, and to prevent a civil war. According to this reſolution, the earl of Holland, Sir John Holland, and Sir Philip Stapleton, were diſpatched with all ſpeed to Beverley, to preſent freſh propoſitions for peace. In theſe it was demanded, that the King would remove all preparations and actions for war, particularly the forces about Hull, Newcaſtle, Tinmouth, Lincoln, and Lincolnſhire: That he would recal the illegal commiſſion of array †, diſmiſs his new-raiſed troops, return to his parliament, and hearken to their faithful advice: That he would leave delinquents to the due courſe of juſtice; and that nothing done or ſpoken in parliament, or by any perſon in purſuance of the command and direction of both houſes, ſhould be queſtioned any where but in parliament: That they, on their parts, would leave the town of Hull in the ſtate it was before Sir John Hotham drew any forces

Ann. 1642.

The parliament ſend propoſitions to the King for peace.

* The lords Say, Wharton, Fielding, Roberts, St. John, Grey of Groby, Rochfort, Sir William Waller, Sir Henry Luke, Sir Henry Cholmley, Mr. Grantham, all members of parliament, had likewiſe regiments given them; the lord Kimbolton was made lieutenant-general, and Sir John Merric major-general of the parliament army.

† The judges were commanded by the two houſes to publiſh, in their circuits, the illegality of the commiſſion of array. *Journals of the Commons*, vol. II. p. 687.

Ann. 1642. into it, deliver the magazine into the Tower of London, and ſupply whatſoever had been diſpoſed of for the ſervice of the kingdom; and ſhould be ready to ſettle the militia by bill, in a way that ſhould be ſafe and honorable for the King, agreeable to the duty of parliament, and effectual to the good of the kingdom; that its ſtrength ſhould not be employed againſt itſelf; and that the parliament, and thoſe who profeſſed the Proteſtant religion, both in England and Ireland, ſhould not be left naked and defenceleſs to the miſchievous deſigns of their profeſſed and confederated enemies.

The King rejects the parliament's propoſitions.

CHARLES rejected theſe propoſals with a haughtineſs that even gave diſguſt to his friends who were the moſt attached to prerogative. His anſwer to the two houſes was as extraordinary in the matter as magiſterial in the ſtyle. He complained, that they had paſſed a vote of his intention to levy war againſt his parliament; a thing God knew his heart abhorred, notwithſtanding his profeſſions, declarations, proteſtations, to the contrary, ſeconded by the teſtimony of ſo great a number of peers; that it was the moſt ſcandalous and the boldeſt charge that had been yet laid upon him, that the neceſſary proviſion he had made for his own ſafety and defence, was to over-rule the judgment of his great council, and by force to determine the queſtions there depending, concerning the government and liberty of the kingdom. After denying all the particulars contained in the parliament's petition, he ſaid, that though he had reaſon to complain, that after they had ſent this, they had beat up drums, &c.

yet

yet he was graciouſly pleaſed once more to propoſe and require, That the town of Hull, and its magazine, ſhould be delivered to him; on which, to ſhew his earneſt deſire of peace, he would diſpenſe with his own honor, and grant a free and general pardon to all perſons within the town: That his navy ſhould be delivered into ſuch hands as he had appointed for the government of it: That all arms, levies, and proviſions for war, made by the conſent of both houſes, ſhould be immediately laid down; and all power of impoſing laws without his conſent diſavowed. Theſe were the conditions on which the King promiſed to lay down arms, and repair to his parliament, that being adjourned to another place. Clarendon ſays, that ſeveral perſons of the King's own party, dreading the conſequence of exaſperating the two houſes to proceed to extremities, earneſtly importuned him to return the matter of his propoſitions in the ſofteſt manner that he could. Charles had a different game to play: he had now unexpectedly united to his cauſe * the greater number of the nobility and gentry of prime eſtates in the kingdom, who were ready to draw the ſword againſt their country, in defence of his prerogative. The natural repugnance which attends a crime of that horrid nature, once got over, and his followers engaged in blood, not only the mutual inveteracy that attends civil broils, but the preſervation of their forfeited eſtates, would render them entirely dependant on his Ann. 1642.

* Clarendon laments and cenſures that reluctance which was found, at firſt, among the moderate men of the King's party, to enter into preparations for the war.

fortunes:

Ann. 1642. fortunes: this, and the natural advantages that attend ſucceſs in arms, would enable him to inſiſt on conditions which were not at this time prudent even to avow to his friends; and, were he foiled in battle, he looked on monarchy to be ſo eſſential a part of good government, that he ſhould then be only obliged to ſubmit to what was now propoſed to him by the parliament. He poſitively refuſed to make any alteration in his anſwer; and having promiſed not to attempt Hull till he received the parliament's anſwer, proceeded to Nottingham and Leiceſter *, to ſecure the affections of thoſe counties †. On the return of the meſſengers, the par-

* Whilſt the King was at Leiceſter, ſome of his ſervants, in purſuit of the earl of Stamford and a party of militia, overtook the famous Dr. Baſtwick, a principal officer in the ſervice. The King would have had him indicted on the ſtatute of 25 Ed. III. but the judge then attending the aſſize told the King, he had no reaſon to be ſo confident of the country as to conclude that the jury would find the bill. The ſame judge, with ſome of the principal gentlemen of the county, the moſt attached to the King, preſſed him to diſcharge the doctor, or give the judge leave to do it, on an Habeas Corpus; urging it as an act of juſtice and mercy that would work upon the people of the county to his advantage. Charles, finding by theſe ſymptoms that Baſtwick would not be long in reſtraint after he left the county, told theſe counſellors he would think of the advice they had given him till the next morning; and immediately after their departure, directed a meſſenger of his chamber, with expedition and ſecrecy, to take Baſtwick out of the county-goal, and carry him to Nottingham, a place more particularly attached to him than any in the whole kingdom. Thus, by a meaſure that might have ſerved for a warning to thoſe of his followers who affected a regard for the liberty of their country, did the King give an early proof what fatal ſhocks that Liberty muſt ſuffer from the arbitrary precedents which he would have an opportunity to introduce in his military capacity. *Clar. Hiſt.* vol. I. p. 540, *& ſeq.*

† In his ſpeech to the inhabitants of the county of Leiceſter he told them, That he had ſent ſuch propoſitions for peace and accommodation to his

liament ordered their general to purſue his levies with all the vigor and ſpeed he could; and an anſwer of refuſal was ſent to the King, encloſed to one of the ſecretaries of ſtate. Ann. 1642.

CHARLES immediately proceeded to the reduction of Hull. The earl of Lindſey, with a few raw, undiſciplined troops, to the number of two thouſand five hundred horſe and foot, after having made a few impotent attacks on the place *, was obliged to draw off his forces, and the King returned to York †. He was,

his two houſes of parliament, that he hoped he ſhould have no other uſe of their affections but their prayers, being ſure the two houſes would ſubmit to them with alacrity, if the inexcuſable enemies to the peace of the kingdom were not ſtrong enough to prevail. *Huſbands' Collections*, 8vo. Ed. p. 477.

* Sir John Meldrum, a valiant Scot, diſtinguiſhed himſelf in the defence of the town of Hull: he acquired additional reputation by a very ſpirited and ſenſible letter he wrote to the King, on the conduct of the court and miniſtry. *Ruſhworth*, vol. IV. p. 610, *& ſeq.* 627, *& ſeq.*

† This attack on Hull was in purſuance of a plan formed between Sir John Hotham and lord Digby, for the delivering up Hull to the King. Digby had been ſent over by the queen, to concert with the King a plan of operation: on his return, to haſten the proviſion of arms and ammunition, he was taken and carried into Hull. Under the diſguiſe of a Frenchman, he remained ſome time unknown; but his active romantic genius prompted him at length to diſcover himſelf to Hotham: the manner in which Hotham entertained the diſcovery, encouraged Digby to attempt his converſion to the King's ſervice. After amuſing him with bombaſt declamations on the ſtate of affairs, and the conduct of the King's enemies, he told him, that he would, in a ſhort time, reduce them all; that they had already loſt the hearts of the people; that the fleet was entirely at the King's diſpoſal; that all the princes in Chriſtendom would engage in the quarrel; that the prince of Orange was coming over

Ann. 1642. in ſome meaſure, compenſated for this repulſe by the

over at the head of an army, to attack Hull, &c. Then entering into a large deſcription of the honor and glory that man would have, who could be ſo bleſſed as to prevent this terrible ſcene of confuſion, he told Hotham, that he was the perſon that could do it; that, by delivering up Hull to the King, the war would be extinguiſhed, and peace eſtabliſhed throughout the kingdom; that the world believed he, Digby, had ſome credit both with King and queen, and he would employ it all, that Hotham ſhould have the full recompence of his merit. The weak old man either liſtened, or ſeemed to liſten with an attention that ſpoke approbation of this vain diſcourſe: it was at length determined between them, that if the King would attack the town, tho' but with one regiment, and ſhoot a ſingle ſhot againſt it, Hotham would immediately deliver it up. Full of imaginary ſucceſs, Digby poſted to York, to concert meaſures for the enterprize; but in the interim Hotham, finding that the proſpect of the King's affairs were not ſo favorable as had been repreſented, and farther intimidated by the earl of Warwic's coming into the port of Hull with ſeveral ſhips of war, on Digby's return he told him it was impoſſible for him to execute what he had promiſed; and all that Digby could obtain was, that himſelf and Aſhburnham, who had been taken priſoner at the ſame time, ſhould have liberty to go to their maſter at Beverley, who, on this diſappointment, was obliged to deſiſt from any farther attempt on Hull. Clarendon is the relator of this ſecret piece of hiſtory, who, with his uſual pomp of language, makes the following reflection on the incident of Digby's eſcape (the moſt odious man in the kingdom to the parliament): "It was a wonderful influence that this noble perſon's ſtars, which uſed to lead him into and out of the greateſt perplexities and dangers, throughout the whole courſe of his life, had upon this affair."

This was not the only plot which had been laid for the reduction of Hull. Some time previous to this period, Beckwith, a Papiſt, endeavored to ſeduce his ſon-in-law, one Fowkes, a lieutenant in the trained-bands of Hull, to betray the town to the King. For this ſervice Fowkes was offered for his captain 1000l. per annum, and 1000l. in money, and for himſelf 500l. per annum, and 500l. in money; the annuity to be ſettled on themſelves and next heirs for their lives.

Fowkes

unexpected conduct of Goring, the governor of Portſmouth, who, notwithſtanding the moſt ſolemn profeſſions of attachment to the parliament, in this important criſis, declared for the King *. The acceſſion of a ſea-port town, of reputed ſtrength, and the gaining an officer of ſome experience in ſervice, elated Charles to ſuch a degree, that he immediately publiſhed a declaration, recapitulating all thoſe actions he termed inſolent and rebellious, in the two houſes; and, at the ſame time, put forth a proclamation, in which he required all men who could bear arms to repair to him, at Nottingham, by the twenty-fifth of Auguſt follow-

Aug. 1642. Goring, the governor of Portſmouth, declares for the King.

The King's declaration againſt the parliament.

Fowkes had the honeſty to diſcloſe the offer to the governor, and a ſcheme was laid to draw into a ſnare 1000 of the King's horſe, and 500 foot; but Sir John Hotham afterwards changing his mind, notice was given to the King, that his plot was diſcovered. On the parliament's receiving intelligence of the buſineſs, a meſſenger was diſpatched to York for the apprehenſion of Beckwith, who was not only protected by the King, but the meſſenger was inſulted. *Clar. Hiſt.* vol. I. p. 545, *& ſeq.* *Ruſhworth*, vol. IV. p. 599, *& ſeq.*

* Goring, either by ſuppreſſing part of the evidence on the ſubject of the army-plot, or by an inſinuating manner, preſerved ſo much of the queen's regard and confidence, that ſhe had once determined to put herſelf under his protection, whilſt the King ſhould repair to the North. On his declaring for the King, he impoſed an oath on the garriſon and townſmen, thruſt thoſe out of the town who refuſed to take it, and received into the fort many Papiſts. His being diſappointed in the expectation he had formed, on ſome ſlight promiſe, of being made lieutenant-general of the horſe in the parliament's army, a poſt which was conferred on lord Kimbolton, might have occaſioned him, the moſt vain and profligate man of his time, to act this treachery. *Parl. Hiſt.* vol. XI. p. 363.

Ann. 1642. ing, there to attend his royal ſtandard, which on that day he intended to erect †.

† The bills which had paſſed the two houſes during the King's abſence, and to which he denied his aſſent were, viz.

1. For the better obſerving the Lord's day.
2. For clearing the five members.
3. For the ſequeſtration of the eſtates of the delinquent biſhops.
4. To reſtrain the creation of peers.
5. For raiſing 10,000 men for Ireland.
6. For calling an aſſembly of divines.

Parl. Hiſt. vol. X. p. 389, 487, 515. vol. XI. p. 136.

CHAP. V.

State of each party on the commencement of the war.——The King endeavours in vain to gain the Scots.——Proclaims the earl of Eſſex and his adherents traitors.——Publiſhes a declaration againſt the parliament, and offers pardon to thoſe who ſhould lay down arms.——The royal ſtandard erected at Nottingham.——Overtures of peace.——Impolitic declaration of parliament.——The King retreats to Shrewſbury.——His proteſtation.——Gains recruits of men, money, and arms.——Fallacious conduct of the King and Papiſts.——Battle at Edg-hill.——Banbury ſurrenders to the King.——Victory claimed by both parties.——The King takes poſſeſſion of Oxford and Reading.——The parliament vote an addreſs for a treaty, and take meaſures to ſecure the city.——Diviſion among the popular leaders.——Large faction in favor of the court.——Artful conduct of the King's enemies.——Treachery of the King.——The two armies meet and retire without fighting.——The King endeavors in vain to reſume the intended treaty.——Aſſeſſments.——Strength of the royal party.——Army of Papiſts and malignants, under the earl of Newcaſtle,

caſtle, infeſt the North.——Parliament's forces in theſe parts commanded by the lord Fairfax.——Encounter.——Counties aſſociated by the parliament.——Application to the King for peace.——Fruitleſs treaty at Oxford.——Return of the Queen.——Strength of the royal party in the North.——Succeſſes in Cornwal.——Cirenceſter taken by the royaliſts.——Succeſſes of the parliament.——Death and character of the lord Broke.——Reading retaken by the parliament.——Treacherous conduct of Eſſex.——Skirmiſh on Chalgrave field.——Death and character of Hamden.——Defeat of the parliament's forces at Adderton-moor, at Stratton, on Roundway-Down.——Briſtol taken by the King's forces.——Triumphant ſtate of the King's affairs.

CITIZENS and brethren, involved in acts of hoſtile violence againſt each other, the conſequence of civil broils, muſt be a circumſtance ſo repugnant to humanity, that it is to be imagined no incitements leſs powerful than the principles of ſelf-defence, the ſtrong allurements of intereſt, or ambitious views, could engage men in ſuch unnatural contentions. That the parliament, actuated by a generous love of freedom, animated with the hopes of attaining the brighteſt, the moſt virtuous object of ambition, and incited by the fear of again falling into that ſlavery from which they had glorioufly redeemed themſelves and country, ſhould urge matters to the extremity of war, is neither a ſubject of ſurprize or blame; but that a prince who had, for the ſpace of twelve years, ravaged the conſtitution by repeated acts of tyranny and violence, had levelled the boundaries of law, and thrown down the bulwarks of civil and religious freedom; that ſuch a prince, in his adverſe ſtate, ſhould find a party to eſpouſe his broken fortunes; that he ſhould be able to perſuade Ann. 1642.

Ann. 1642. men to risk their all, in defence of his grandeur and authority; that he should be able to persuade men to lift their impious hands against the altars of Liberty, and drench their country in blood, to support him in a power he had abused, are circumstances which exhibit a melancholy proof of the extreme depravity of the human mind, when men cease to balance their affections by the scale of virtue and reason.

The state of each party on the commencement of the war.

THOUGH the provocations the English had suffered, under the government of the Stewart family, had in appearance roused an universal spirit of opposition, yet when the jarring between the King and parliament came to hostilities, and the majesty and indefeasible power of the people were opposed to the claims of monarchy, the King found among the men of fortune and family a numerous party: these, priding themselves in the vulgar consideration of descent from opulent ancestors, fancied they had attained from this accident a right to tyrannise over their fellow-citizens: they sickened at the new-broached doctrines, asserting the equal rights of men; and deserting that cause which envy and oppression had engaged them to abet, ranged themselves on the side of the crown, from whence they expected support in their iniquitous pretensions. Thus the greater weight of landed interest operated for the King, who had likewise all the popish recusants, and those who were superstitiously attached to the hierarchy; two numerous bodies of men. These advantages were more than balanced by the popularity of the parliament. There were, in these days, a numerous set of people, who by husbandry, cloathing, and other industrious arts, were possessed of great property, and some of them

good

good eſtates; theſe men being treated ſuperciliouſly by the court, the nobility, and the gentry of ancient deſcent, all ſided with the parliament. The commercial part of the nation, whoſe ſucceſs depends on popular privileges, were wholly theirs *. They had the affections of all the lower claſs of people that were Proteſtants, and who were not tied by particular dependencies on the ariſtocratical families. Theſe had been great ſufferers by the tyranny which the clergy had uſurped over their conſciences, and were deſirous to free themſelves from the oppreſſion of the lay gentry, who had been weak enough to fling out this provoking inſult on their condition, viz. That twenty pounds a year was enough for every peaſant to live on. Ann. 1642.

The parliament had ſecured London and all the ſea-ports in the kingdom, except Newcaſtle and Portſmouth; the whole navy was in their ſervice; the cuſtoms yielded them a conſiderable ſupply †; they had in their

* The trading part of the nation, who at this time began to be poſſeſſed of great property, were treated with a high degree of contempt by Charles and his father, and their nobility; and the arbitrary acts of government exerciſed by the Stewart family was more ſenſibly felt among this body of men, whoſe want of vice rendered, in their eyes, the manners of a court hateful and deſpicable.

† The parliament, by ordinance, appointed a defalcation of fifteen per cent. to thoſe merchants who ſhould advance, by way of loan, unto their commiſſioners, thoſe ſums of money which, by the laſt book of rates, would have been legally due, if the King had paſſed their bill of tonnage and poundage, declaring there ſhould be a proviſion made in their next grant to the crown for the indemnity and ſecurity of ſuch merchants; and that the defalcation of fifteen per cent. ſhould be confirmed to them. In this ordinance it is aſſerted, That the debt due to the navy was 200,000 l. and that fifty-two ſhips of war were in the actual ſervice

Ann. 1642. hands a large ſum of money raiſed for the relief of Ireland. Contributions were ſo eaſily gathered, and

ſervice of the kingdom. It appears, by the King's proclamation, prohibiting the payment of cuſtoms, on the authority of this ordinance, that it was generally obeyed. The parliament afterwards publiſhed a juſtification of their ordinance, in anſwer to the King's proclamation: in this they aſſerted, That the meaning of the penal clauſe in the act of tonnage and poundage, paſſed this parliament, was only to reſtrain the crown from impoſing duties on the ſubject, without their conſent, but did no ways intend to extend to any caſe where the Lords and Commons had given their aſſent. The King's proclamation having obſerved, that the payment of the cuſtoms ſeemed to cheriſh and foment an unnatural war, the parliament replied, that ſo much of that money as had been exacted by the earl of Newcaſtle, the lord Mohun, Sir Ralph Hopton, was indeed employed to ſupport an unnatural war, and foment a civil diſſention; but that which had come to the diſpoſal of the parliament had been, with care and faithfulneſs, diſburſed for the payment of navy-debts, due by his majeſty before the beginning of this parliament; and for the ſetting forth two fleets the laſt ſummer, the one for guarding the coaſt of Ireland, and preventing aid to the rebels; the other for the defence of England, the preventing an invaſion, and the preſervation of merchant-ſhips from pyrates. To the King's aſſertion that, by the merchants' obedience to the ordinance of parliament, the trade of the kingdom was much leſſened, they replied, that the rebellion of Sir Ralph Hopton in the Weſt wholly deſtroying the flouriſhing manufactories of the new draperies in thoſe parts, by robbing the carriers and trawnters, by his majeſty's cavaliers, of woollen cloth and other manufactures; whereby the commerce and intercourſe of trade between London and the remote counties were interrupted: the rebels of Ireland ſetting forth men of war, and making prize of our merchantmen trading to and from foreign parts, had leſſened trade; but the money raiſed by virtue of the ordinance of parliament was the only means to maintain the navy, without which trade and commerce would have been by pyrates, Iriſh rebels and foreign forces, wholly deſtroyed; and not only trade, but the whole kingdom, inevitably expoſed to deſtruction, by his majeſty's refuſing to paſs the bill for tonnage and poundage, had not the parliament wholly taken upon them the

care

loans so chearfully complied with, that, on a declaration of parliament, for the bringing in of money or plate to furnish horse and arms, or for providing and maintaining horse, horse-men, and arms, on the condition of re-payment, with the interest of eight per cent. sums to the value as it is said, of some millions, were brought to their committees: all ranks and conditions of men and women poured in their treasure to support the common cause, whilst the poorer sort of females offered up their wedding-rings and bodkins. With these eminent superiorities the popular party had a brighter, more beneficial one. The genius of the nation, which had been long improving by a taste for Freedom, now exempt from the fetters of tyranny, was risen to a very exalted height, and ranged itself on the side of its parent Liberty. It was from the elocution of Pym, the unbounded knowlege and persuasive talents of Hampden, the profound sagacity of young Vane, &c. that it owed its greatest success. Ann. 1642.

The King had a particular disadvantage, which he had incurred from the duplicity of his conduct: notwithstanding all his assertions to the contrary, the people in general believed he had an aversion to the free government of the country; that he had consented to all the laws passed this parliament with reluctance; that neither his oaths nor promises could be depended on; and that he meant to rescind or depart from every thing that had been enacted in favor of public Liberty. He

care thereof. *Parl. Hist.* vol. XI. p. 343, & *seq.* *Rushworth*, vol. V. p. 87.

had

Ann. 1642. The King endeavors in vain to gain the Scots.

had written a letter to his council in Scotland, in which he gave an account of the poſture of his affairs, and of the conduct of the parliament. The council ſent him an anſwer, full of zeal and affection; and a petition was obtained, as from a large body of the noblemen, gentlemen, burgeſſes, and miniſters of the kingdom of Scotland, in which many things were ſaid to the diſparagement of the Engliſh parliament, who, on hearing of this intrigue, took meaſures that effectually fruſtrated the intent. The forementioned petition was diſowned; and the Scots council, who were importuned by the nobility, miniſtry, and burgeſſes of Edinburgh, not to meddle for the King againſt the parliament, formed a petition, in which they intreated the King to hearken to his greateſt, his beſt, and moſt unparalleled council; they diſſuaded him from a journey into Ireland; declared their earneſt deſires, that an union might be perfected between the King and parliament; and ended with a large manifeſtation of their hearty affection to this aſſembly, proteſting that they would do nothing contrary to their privileges. Though a different conduct, in the Scots, would have been weak, ungrateful, and contrary to their obvious intereſt, yet it was an unexpected blow to the King, who had ſedulouſly courted this people, from the time that he had determined to bring matters to a rupture with the Engliſh parliament. A meſſage of thanks was ſent to the Scots privy-council, for their good advice: in this they were deſired not to interpoſe in a manner that ſhould weaken the confidence, or endanger the peace of the two kingdoms; and aſſured, that the parliament of England,

Vicar's Parl. Chron. p. 107.

Whitlock, p. 56.

accord-

according to the treaties ratified in both parliaments, the brotherly affection which they bore to the Scots nation, the intereſt they had in its proſperity ſo much conducing to the eſtabliſhment and ſecurity of the true religion and juſt liberties of England, would be very careful of the preſervation of the mutual affection between the two kingdoms; for the better improving of which, and the applying their mutual union and correſpondence to the ſettling the preſent troubles, they were deſired to ſend the parliament of England the ſeveral meſſages, declarations, and inſtructions, they had received from the King. That they might the better remove any doubt or miſtake of their actions, they did intend, on their ſide, to ſend to the council of Scotland ſuch declarations, petitions, and remonſtrances, as they ſhould have occaſion to make to his majeſty and the people of England. Ann. 1642.

CHARLES, at the ſame time that he commanded his ſubjects who could bear arms to attend his royal ſtandard *, proclaimed the earl of Eſſex and his adherents traitors †, and publiſhed a large declaration againſt

The earl of Eſſex and his adherents declared traitors.

* On theſe proclamations of the King, the parliament publiſhed a declaration, that whoever ſhould aſſiſt him in promoting this war againſt his people, he intending to make himſelf an abſolute conqueror of theſe kingdoms, if not timely prevented, were traitors, and ſhould be brought to condign puniſhment. *Parl. Hiſt.* vol. XI. p. 386.

† On a conference between the two houſes, on the ſubject of this proclamation, Eſſex, after proteſting that his actions ſhould ſhew him as dutiful a ſubject as any the King had, ſaid, he was as ready to venture his life in defence of the law, as the other great general for the breach of it. In the lower houſe, on the queſtion being put, Whether that houſe would maintain, aſſiſt, and adhere unto him for the ſupport

Ann. 1642. the parliament *. He accuſed them of an intention to involve religion and Liberty in anarchy and confuſion;

of the Proteſtant religion, the King's perſon, &c.? every member roſe up in his place, one after another, and gave a diſtinct anſwer; and a reſolution paſſed, that abſent members ſhould declare themſelves, from time to time, as they came into the houſe. Two days afterwards, the Commons ſent up an impeachment againſt the marquis of Hertford, the earl of Northampton, and Henry Haſtings, ſecond ſon to the earl of Huntington, for high-treaſon, in actually levying war againſt the king and kingdom. Several peers were committed, for putting in execution the King's commiſſion of array. *Parl. Hiſt.* vol. XI. p. 369, *& ſeq.*

* The parliament, in hopes of getting rid of a conteſt which conſumed the time of their ableſt members, had forbid the publiſhing any declarations or papers of the King's, that ſhould be contrary to their ordinances: indeed, in the war of the pen, they fought on very unequal terms. The greater part of the nation were ſuperſtitiouſly attached to old cuſtoms, and bigots both in politics and religion; the poſſeſſion of uſeful learning was confined to a few individuals; the herd continued in the dark obſcurity of Gothic ignorance, or employed their faculties in the barren paths of ſcholaſtic divinity, and the light and deluſive ſtudy of poetic fancy; parts of literature which narrow and miſguide the mind. Whilſt oppoſition was directed by the common forms of the conſtitution, the reaſoning of the popular leaders was cloſe, clear, and concluſive; but there can be no preciſion in argument, where the poſition on which the argument is built muſt be either diſguiſed or excluded. The King derived advantages from the very circumſtances that hampered his opponents, who could alone found their pretenſions on concluſions drawn from poſitions neceſſary to the freedom of the conſtitution, but diſagreeing with its forms, and not expreſſed in any law; whilſt the King would own no fundamentals but poſitive, expreſs, and particular laws, which were all on his ſide, and obvious to vulgar ſenſe. This controverſy, however, ſubjected him to the mortification of owning that his adminiſtration, during the firſt fifteen years of his reign, was illegal and tyrannical; of proving the miſchiefs which flow from arbitrary power, the natural conſequence, he ſaid, of the parliament's maxims; and that the government of England was compounded of monarchy, ariſtocracy, and democracy: but then, by his denying that the parliament, in any caſe whatſoever,

and assured the people, that their peace and security Ann. 1642.
was shaken in the wounds that were given to his honor and authority. On recapitulating the favors he had bestowed on his subjects, he asserted it was his earnest and affectionate desire to beget a right understanding with them, that occasioned him to summons this parliament, and not any force on his inclination*. The high-commission court, he acknowleged, had proceeded with too much strictness, where the tender consciences of many of his weak subjects† were concern-

could intermeddle with his government, he confined the existence of the two last-mentioned species to theory only, and evidently reclaimed the concession, by asserting, that his rights were of divine original, settled and established on himself and posterity by God; since the laws of the constitution, allowed on all sides to be merely human, could never bind or controul the unalterable dictates of the Divinity. But absurd as are the pretensions and glaring contradictions to be found in the King's declarations, they passed with his own party as orthodox doctrine; and even among the presbyterians, who were looked on by Charles and his father as irreconcileable enemies to their power, there were few who had formed any just notions of the nature of politic subordination, and the separate and distinct principles which bind the consciences of men in matters civil and religious: the prejudices of the majority of the parliament itself, were opposite to those tenets on which a war with the King could be rationally justified; and the cause of Liberty owed its success alone to such a flagrant want of sincerity on the King's part, that convinced the people, yet smarting under the injuries of recent oppressions, that their safety depended on disabling him from rescinding those acts of justice which he had been necessitated to pass this parliament.

* If this had been the motive of the King's action, why did it not determine him to what was so universally agreeable to the people; and to what they had so undoubted a right before the rising of the Scots?

† The King always affected to call the non-conformists his weak subjects.

Ann. 1642. ed; many perſons had been grieved and vexed, under color of executing the foreſt-laws; and ſome endeavors had been made to ſet on foot foreſts, where in truth none had been; but then he no ſooner received complaint of this, but he paſſed an act for redreſs *. He had conſented to the abolition of the power of the high-commiſſioners, without preſſing that the power might be rather qualified, and care taken for the upholding eccleſiaſtical diſcipline: without diſputing his right, he had conſented, that the judgment in his favor, in the buſineſs of ſhip-money, ſhould be vacated and cancelled; and in the preamble to the bill of tonnage and poundage, had parted with his power of impoſing, a power which had been adjudged good, and exerciſed by his anceſtors †. After the King had expatiated on the merit of his conceſſions, he enlarged on the ungrateful return he had met with from the parliament: On their accuſation of his intention to bring up the army to awe the parliament, he aſſerted, that no man could believe him guilty of ſo ſtrange a plot: On the ſubject of the conſpiracy againſt the marquiſſes of Hamilton and Argyle, he ſaid, the grounds of their fears were fully examined by the Scots parliament, their perſons being of that quality and eſtimation in the kingdom, that they were ſure of juſ-

* When the complaint was backed by the authority of parliament, aſſiſted by the power of two large armies, and the inclinations of the people.

† The King ſtill inſiſted that he had a right to theſe unconſtitutional prerogatives; and allowed, in this caſe, what he had before denied, on the occaſion of his exacting obedience to his commiſſion of array, viz. that the preambles of bills were binding.

tice,

tice *. Among the crimes of ingratitude with which the King charged the parliament, he told them, they had forgotten that bleſſed condition his ſubjects had enjoyed, of peace and plenty, under his government †; and animadverted on the remonſtrance of the houſe of Commons, as of dangerous conſequence to parliaments, being the firſt appeal that was ever made to the people ‡. The accuſation and commitment of the biſhops was remembered among the faults of the parliament; and the King inſiſted, that they could not repair to the upper houſe, without danger of their lives §. He aſſerted, that his proceedings againſt the ſix members were legal; and that the order of the houſe of Commons, againſt arreſting their members, was much more unjuſtifiable by any rule of law or juſtice, than any thing he had ever done, or any body had done by his authority. Ann. 1642.

* A ſtrange aſſertion, that they were ſure of juſtice from theſe circumſtances only.

† This was a circumſtance entirely owing to the accidents of the times, and to the virtue and induſtry of the Engliſh; a circumſtance greatly checked by monopolies and other parts of evil adminiſtration, and a circumſtance which Charles endeavored to deprive of its advantages, by attempting to eſtabliſh an arbitrary power of taxation.

‡ Who had any right to be the judges of their behaviour but their own conſtituents? and to whom can any part of the legiſlature appeal for a ſanction to their conduct, but to thoſe from whom they derive their authority?

§ Many of the biſhops, on their examination, declared to the contrary. The King, in endeavoring to lower the character of the popular members, makes a very odd confeſſion. He taxed them with being ſo greedy of preferments, that they would even have ſaved the life of the earl of Strafford, if he would have conferred deſired offices on them.

He

Ann. 1642. He confeſſed, that his withdrawing to the North, was to be free from the importunate ſolicitations of the mean people; and reviled the leaders of the popular party, as contemptible in number, and inconſiderable in fortune and reputation *. In regard to the navy, the parliament might as lawfully have ſent his ſhips to the Indies, and ordained, that he ſhould never have any more, as keep them in the Downs againſt his will, and under a command he did proteſt againſt †. He charged them with having waſted and conſumed the money given by act of parliament for diſcharge of the debts of the nation ‡; called their conduct an impudent injuſtice; aſſerted, that the ſecurity of the public was provided for by the commiſſion of array; that the ordinance of the militia could have no honeſt end, that was not obtained by that commiſſion; and owned that the power was in different hands, and like to be employed to other uſes, than that ordinance was intended. He would not, he ſaid, ſubmit to the nineteen propoſitions, depoſe himſelf, and ſuffer the people and

* This calumny is contradicted by Clarendon, who is one of the moſt partial writers of theſe times, and who had an inveterate malice againſt theſe men. "In the houſe of Commons, ſays he, the great managers were men of notable parts, much reputation, admirable dexterity, pretenders to ſevere juſtice and regularity." *Clarendon's Hiſtory*, vol. I. p. 514.

† The parliament could not deprive the kingdom of its defence, or of the uſe of its navy; though they might prevent the King from taking ſuch an advantage of the truſt inveſted in his office, as ſhould turn the arms of the public againſt itſelf: but theſe are diſtinctions incompatible with the prejudices of the King.

‡ The parliament, after this, publiſhed an account of their receipts and diſburſements. *Vicar's Parl. Chron.* p. 109.

king-

kingdom, which God and the law had committed to his government and protection, and for which he muſt make an account, to be devoured by them. Ann. 1642.

As if the invectives and aſſertions to be found in this voluminous declaration were ſo many undeniable facts and poſitions, the King, in a triumphing manner, aſked, Can our good ſubjects be longer kept in this trance? Can our nobility, gentry, clergy, commonalty of England, ſacrifice their honor, intereſt, religion, and Liberty, to terms, and the mere ſound of parliament and privilege *? Is it poſſible for us to be made vile and contemptible, and ſhall our good ſubjects continue as they are? Can our juſt power be taken from us; and ſhall they enjoy their liberty †? Charles ends his declaration with accuſing of treaſon the ſix proſecuted members, with Sir Henry Ludlow, Mr. Martin ‡, alderman Pennington, and captain Venn §; threatens to cauſe indictments to be drawn againſt the

* Quere, whether honor, intereſt, religion, Liberty, in the King's declarations, was not more mere ſound than parliament and privilege, in the parliament's?

† Surely this might be very poſſible.

‡ The following expreſſion, in a very warm debate, had fallen from Sir Henry Ludlow, in the Commons houſe: That Charles was not worthy to be King of England; and from Mr. Martin, that the kingly office was forfeitable; and that the happineſs of the kingdom did not depend upon Charles, or upon any of the royal branches of that ſtock. For theſe ſpeeches, which the houſe conſidered as untimely and intemperate, theſe two members, tho' of great intereſt with the popular party, were ſeverely reprehended by the ſpeaker, by order of the houſe.

§ The King accuſed theſe two of having ſtirred up the mob to tumult.

earls

Ann. 1642. earls of Warwic, Eſſex, Stamford, lord Brook, Sir John Hotham, ſerjeant-major general Skippon, and all thoſe who ſhould henceforth exerciſe the militia, by virtue of the ordinance on the ſtatute of the twenty-fifth of Edward III. and offers a free pardon to all his loving ſubjects who ſhould deſire it, except the perſons he had named, on the condition of laying down their arms *.

The King offers pardon to thoſe who ſhall lay down arms.

The royal ſtandard erected.

On the twenty-ſecond of Auguſt the royal ſtandard was erected at Nottingham †; but to the ſurprize and

* The King, in this declaration, reproaches the Commons for a very proper diſtinction they had made in their orders concerning the election of their members, viz. That the members of the upper houſe ſhould not interfere in this buſineſs, but that the order ſhould not conclude the Commons. The parliament publiſhed their reaſons for taking up defenſive arms; theſe were a recapitulation of all the provocations they had received from the court, with the dangers that threatened the freedom of the conſtitution, from the pernicious ſchemes of the King and his party. *Huſbands' Collections*, p. 541. *Parl. Hiſt.* vol. XI. p. 350, *& ſeq.*

† On the top of the King's ſtandard hung a flag, on which were the King's arms quartered, with a hand pointing to the crown placed above, with the following motto, "Give unto Cæſar his due." Tories and high-churchmen have reviled and ridiculed their opponents for a licentious and abſurd application of the holy ſcripture phraſes; but no people have been more free with ſuch quotations, or have miſapplied them more groſsly. A ſtrong proof of this is their continued uſe of, and wreſting the text, "Render unto Cæſar the things that be Cæſar's," to a general obedience to the will of princes, whether that obedience is ordained by the laws of the country or not, or whether, by the general unalterable laws of ſocial compact, princes, by their ill conduct, have forfeited their title to ſuch obedience. The forementioned text has no other direct meaning than a general precept, founded on the common principles of juſtice, ſuch as, Give unto every one his due; and uſed at this time by Chriſt as a wiſe and cautious evaſion of the perſecution intended him by the Phariſees. The doctrine preached by Chriſt to his fol-

and mortification of the King, there appeared no con- Ann. 1642.
flux of people in obedience to his proclamation. His

followers is of a different ſtamp than what the comments of time-ſerving prieſts have inferred from this their favorite text, "Render unto Cæſar, &c." Chriſt forbids his diſciples to admit in their governments the pride, the pomp, the deſpotiſm, that at this time prevailed in the heathen ſtates. "The kings of the Gentiles, ſays he, exerciſe lordſhips over them, and they that exerciſe authority upon them are called benefactors; but you ſhall not do ſo: but he that is the greateſt among you, let him be as the younger, and he that is chief as he that ſerves." The doctrine of Chriſt aſſerted the equal rights of men; he not only recommended, but commanded his diſciples to preſerve that equality both in their civil and religious inſtitutions. The matchleſs Milton has obſerved, that no government comes nearer to this precept of Chriſt than a free Commonwealth, wherein they who are greateſt are perpetual ſervants and drudges to the public at their own coſt and charges, neglecting their own affairs, yet are not elevated above their brethren, live ſoberly in their houſes, walk the ſtreets as other men, may be ſpoken with familiarly, without adoration. As the doctrines of Chriſt plainly inculcated the freeſt principles of civil and religious Liberty, in oppoſition to the pride, pomp, and power of the Jewiſh prieſthood, he was oppoſed with acrimony; and at length, on the common accuſation of being a ſeditious diſturber of government, crucified by the intrigues of theſe ſpiritual tyrants, who, imagining his zeal for juſtice would make him launch out into unſeaſonable invectives againſt the monſtrous abuſed power of the Cæſars, tempted him with that enſnaring queſtion, "Is it lawful to give tribute unto Cæſar or not?" That this is the proper expoſition of this text, the very queſtion itſelf, with the introductory paſſage, evidently proves. "Then went the Phariſees, and took counſel how they might entangle him in his talk; and they ſent unto him their diſciples, with the Herodians, ſaying, Maſter, we know that thou art true, and teacheſt the ways of God in truth, neither careſt thou for any man, for thou regardeſt not the perſons of men; tell us, therefore, what thinkeſt thou, is it lawful to give tribute unto Cæſar or not." Had the tendency of Chriſt's doctrine been that of paſſive obedience, would the Phariſees have thought this a proper queſtion to enſnare him? "Thou careſt not for any man, ſaid they, neither regardeſt thou the perſons of men (i. e. you pay no adulation to power); tell us, therefore, is it lawful to give tribute unto Cæſar or not?" The queſtion

Ann. 1642. horſe, to the number of eight hundred, under the

aſked is not, Whether the Jews, from obligations of conſcience, were bound to give tribute to Cæſar; but, Whether, having been a free and independant people, they could, without ſin, acknowledge the authority of Cæſar, and ſubmit to the Roman yoke? This they undoubtedly could do, becauſe there was, at this time, no probable, or hardly poſſible, means to free themſelves; therefore Chriſt, perceiving their wicked deſign, evaded the entering into the particulars of the caſe, and ſaid, "Why tempt ye me, ye hypocrites? (i. e. why do you pretend ſcruples of conſcience to enſnare me?) ſhew me the tribute-money. Then they brought unto him a penny. Whoſe image and ſuperſcription is it? (ſaid our Saviour) They ſaid unto him, Cæſar's. Then ſaid he unto them, Render therefore unto Cæſar the things which are Cæſar's, and unto God the things which are God's." Had the end of Chriſt's miſſion and doctrine been the eſtabliſhing of governments on the baſis of conſcience, could there have been a more favorable opportunity than was given him by this interrogation of the Phariſees, to have expatiated on the ſubject of obedience as a moral and religious duty? But this would have been a contradiction to the whole tenor of his doctrine, which evidently tended to emancipate his followers from the ſervile yoke and cuſtoms of the Gentiles, to aſſert the independency and free agency of man, and render him capable of attaining that ſublime degree of moral and religious virtue which he taught and practiſed; an example impoſſible to have imitated, had his diſciples been bound by religious obligations to have obeyed the ſottiſh commands of their Gentile governors. Had not Chriſt intended to evade acknowledging the authority of Cæſar, he might have given a ready anſwer to the queſtion, "Is it lawful, &c." by telling the Phariſees, that Cæſar was their ſupreme governor; that kings and emperors held their power by the particular will of God; that they were earthly repreſentatives of the majeſty of the Deity; that they were his vicegerents; and that, as ſuch, they were bound in conſcience to yield obedience. This doctrine, which has been maintained by modern divines, would from ſuch an authority have very ſufficiently enforced the precept of obedience to governors, whether for good or evil; but Chriſt, in his anſwer, carefully avoided confounding political and religious obligations, or uniting the circumſtance of giving tribute to Cæſar with the idea of religious duty. On being told that the image and ſuperſcription of the

penny

command of prince Rupert, lay at Leiceſter *; his cannon and ammunition were left behind at York, there not having been foot enough levied to guard it in its paſſage to Nottingham. Some few train-bands which Sir John Digby, the ſheriff of the county, had drawn together, was all the ſtrength he had to defend his own perſon; a force ſo much inferior to what the parliament had now in the field, that Sir Jacob Aſhley, the ſerjeant-major-general of his army, told him, that he could not give any aſſurance that he might not be taken out of his bed, if the rebels ſhould make an Ann. 1642.

penny was Cæſar's, "Then, ſaid he, render therefore unto Cæſar the things which are Cæſar's, and unto God the things which are God's." The tempters, diſappointed of their deſigns by this unexpected forbearance of our Saviour's, marvelled, and went their way.

The famous writer of the Tory party, lord Clarendon, has adorned the heads of the ſeveral books into which he has divided his hiſtory, with quaint, though not always pertinent, texts of ſacred ſcripture; and in that very performance, blames the popular preachers for perverting thoſe writings to their purpoſes. The ſame paſſage in which he mentions with diſapprobation ſeveral apt texts which theſe had made uſe of, he ends with, "The complaint of the prophet Ezekiel might moſt truly and moſt ſeaſonably have been applied: There is a conſpiracy of her prophets in the midſt thereof, like a roaring lion ravening the prey. They have devoured ſouls, they have taken the treaſure and precious things, they have made her many widows in the midſt thereof." Clarendon, in a ſecond obſervation, ſuppoſes that no ſin can be more reaſonably determined to be the ſin againſt the Holy Ghoſt, than a miniſter of Chriſt turning rebel againſt his prince. In the doctrine of the moſt fanatic ſectaries is there to be found ſo abſurd a concluſion! *Clar. Hiſt.* vol. II. p. 17, *& ſeq.*

* Clarendon ſays, that this body of horſe, the only ſtrength the King had to depend on, were few of them better armed than with ſwords; that they were not half the number of the enemies horſe, excellently well armed and appointed. *Clar. Hiſt.* vol. II. p. 1, *& ſeq.*

Ann. 1642. attempt to that purpoſe. Whilſt himſelf and his friends were ruminating on the peril of their ſituation, they received the mortifying intelligence, that Portſmouth, beſiegedby ſea and land by the parliament's forces, would be reduced in a few days *; and that the marquis of Hertford, who it was expected would have gathered a power ſufficient to relieve Portſmouth, was driven out of the Weſt †.

* It was on the ſuppoſition that Goring was enabled to preſerve this important town, which engaged the King to declare himſelf ſo early. That it was not longer defended againſt the parliament's forces, was entirely owing to the ill conduct of the governor, who, though having been equally entruſted by both parties, he had received large ſums from each, to victual and fortify the place; yet on the important criſis when he was obliged to declare himſelf, he was ſo ill provided for a ſiege, that on the parliament's ſecuring the Iſle of Wight, by impriſoning its governer, the earl of Portland, a ſuſpected Papiſt, and ſending a troop of horſe, with the train-bands of the neighbouring county, under the command of Sir William Waller, to inveſt Portſmouth; Goring was obliged to ſurrender the town, on condition of leave to tranſport himſelf beyond ſea, and his officers to repair to the King. Clarendon ſays, that tho' Goring's chief dependance for money and proviſions were from the Iſle of Wight, yet he neglected to ſecure the caſtle and block-houſe that guarded the paſſage, and that thoſe revolted to the parliament as ſoon as he declared for the King. *Whitlock*, p. 60. *Clar. Hiſt.* vol. I. p. 550, *& ſeq.* and vol. II. p. 15. *Parl. Hiſt.* vol. XI. p. 363.

† The king expected great things to be performed in his favor by the marquis of Hertford, who had the aſſiſtance of the lords Pawlet, Hopton, Seawel, Coventry, Berkley, and Windham, with many other gentlemen of intereſt and property in the Weſtern parts. The marquis of Hertford wrote in the following triumphing ſtyle to the queen: "I am with all ſpeed to repair to the Weſt, to put his majeſty's commiſſion of array in execution, which I make no doubt to perform without any great difficulty, if God ſo proſper us as I truſt he will in ſo good a cauſe. We ſhall then ſhortly, I hope, be bleſt with your majeſty's long wiſhed-for preſence, and hey then down go they; and to our greater encouragement, Sampſon (Goring) is come over to us. Your majeſty may perceive

THE King, in his way to Nottingham, had attempted Ann. 1642.
Coventry; but this ſpirited city ſhut their gates upon him, fired at his men, and obliged him to retire. In that anxiety of mind which circumſtances alarming as theſe occaſioned, heightened by ſuperſtitious apprehenſions ariſing from the accident of the ſtandard's being blown down by a high wind *, the nobility about the King preſſed him to ſend an immediate meſſage to the parliament, with overtures of peace; but the obſtinacy of this prince's temper was rather encreaſed than ſubdued by oppoſition: "No misfortunes attending my endeavor to defend myſelf (ſaid he) can expoſe me to more evil than a treaty at this juncture, where I muſt be underſtood to be willing to yield to whatſoever they ſhall require of me †." Thus reſolved, the King broke up the council; but the next day the earl of Southampton, a man of reputation with the party, re-urged the advice, as an expedient that might do good and could do no harm: that the King's propoſition for peace would in all probability be rejected; and therefore it would bind him to no conditions: that it would incline the people more to

perceive that I hope well, that I preſume to be thus merry with you." Hertford was driven out of the Weſt by the aſſiſtance of the yeomanry only, the prime gentry of thoſe parts being, for reaſons already ſpecified, engaged for the king. *Parl. Hiſt.* vol. XI. p. 365. *Clar. Hiſt.* vol. II. p. 4.

* Clarendon very gravely enumerates this accident amongſt the ill preſages which attended the melancholy ſtate of the King's affairs. *Clar. Hiſt.* vol. I. p. 557.

† The King imagined that no other ill conſequences could attend his puſhing matters to the utmoſt extremity, than the ſacrifice of his followers. His perſon and office he thought too eſſential to the government of the country, to ſuffer from the ill chances of ſo unpromiſing a war.

ſerve

Ann. 1642. ſerve him: that the parliament had before Sherborn, Portſmouth, and Northampton, three ſeveral armies, the leaſt of which was ſtrong enough to drive him out of his dominions: that it was better to ſeem to deſire peace *, which would render him gracious to the people, than to ſuffer himſelf to be taken priſoner: that if the parlianent refuſed to treat, they would loſe the hearts of the people, who would then believe that the war was, on his majeſty's part, purely defenſive: that the overture would neceſſarily produce ſome pauſe and delay in their motions, by the debate it would occaſion: that his majeſty, ſo far from ſlackening his preparations, might be more vigorous in haſtening the levies for which his commiſſions were out. This laſt conſideration prevailed on the King: the earls of Southampton and Dorſet, Sir John Colepeper and Sir William Udal, were ſent with a meſſage, to the following purport, to the two houſes †: That the King had, with unſpeakable grief of heart, long beheld the diſtractions of his kingdom; that his ſoul was full of anguiſh, till he could find ſome remedy to prevent the miſeries which were ready to overwhelm the nation by a civil war. After a long exordium of the ſame nature, the King propounded to the parliament, to appoint perſons to treat with a like number authorized by him. After many general profeſſions that nothing ſhould be wanting on his part which might advance the true

Overtures of peace.

* Clarendon owns, that it was taken for granted, that the King's propoſitions for peace would be rejected; and that, for this reaſon, they ought to be made. *Clar. Hiſt.* vol. II. p. 6.

† The third day after the ſtandard was ſet up.

Pro-

Proteſtant religion, oppoſe Popery and ſuperſtition, and ſecure the law of the land, on which was built as well his juſt prerogative, as the property and liberty of the ſubject; he concluded with aſſuring them, that nothing but his Chriſtian and pious care to prevent the effuſion of blood, had begot the motion, his proviſion of men, arms, and money, being ſufficient to ſecure him from violence, till it pleaſed God to open the eyes of his people. Ann. 1642.

The earl of Southampton and Sir John Colepeper arrived in town before the reſt of the embaſſy. Southampton went ſtraight to the houſe of peers, and took his place; but as he had declared hoſtilities againſt the parliament, by attending the King's ſtandard, he had ſcarce ſet down when he was ordered to withdraw *. Having informed the houſe, that he had a meſſage from the King, the gentleman-uſher was ſent after him, to require him to deliver it. On his pleading the King's command to deliver it himſelf to the houſe, they paſſed an order for his ſending it; and commanded him to depart the town immediately, on his peril, acquainting him, that the reaſon why they did not further proceed againſt him, at this time, was his being employed by the King in buſineſs to the

* Though the Lords could not have acted otherwiſe than as related, without condemning the cauſe they ſtood engaged to defend, yet Clarendon animadverts on the tranſaction as an abſurd conduct in the upper houſe, who had always been uſed to treat a privy-counſellor with reſpect, not to let Southampton, againſt whom, he ſaid, no public objection had been made, deliver a meſſage from the King, in his own place, as a member. *Clar. Hiſt.* vol. II. p. 8.

houſe.

Ann. 1642. houſe. Sir John Colepoper, who at the ſame juncture attended the houſe of Commons, by a more modeſt conduct had gained admittance. On his forbearing to go into the houſe till he had aſked leave, they permitted him to deliver his meſſage at the bar of the houſe; but immediately to withdraw. The parliament waſted no time in unneceſſary diſputes: within two days a meſſage was diſpatched to the King, in which they told him, That till he ſhould recal his proclamations and declarations, whereby the earl of Eſſex and both houſes of parliament, and thoſe who had obeyed and executed their commands, were declared traitors; and till the ſtandard was taken down, they could not, by the fundamental privileges of parliament, the public truſt repoſed in them, or the good and ſafety of the kingdom, give any other anſwer to his propoſal. The ſudden determination of this buſineſs gave ſuch an alarm to the royaliſts, that the King was adviſed to give over his thoughts of conqueſt, to make all imaginable haſte to London, and appear in parliament, before they had any item of his intention. This ſeaſonable propoſition was rejected with diſdain; but the parliament having ſent down their principal officers to Northampton, to put that army, which lay adjacent to the King's quarters, in a readineſs to march, it was thought neceſſary to amuſe them by another meſſage; in which the King promiſed to recal his proclamations and declarations, provided they would revoke theirs againſt thoſe who had aſſiſted him †. The parliament, per-

† In this meſſage the King denied that he had ever declared both houſes of parliament traitors, or deſigned to ſet up his ſtandard againſt them; though

ceiving the King's aim, immediately diſpatched the meſſenger * with an anſwer, in which they accuſed the King with the duplicity of his conduct, of hoſtile inſtructions ſent to his commiſſioners of array, ſince his pacific profeſſions: they required him to diſband his forces, and return to his parliament, where he would find ſuch expreſſions of their fidelity and duty, which ſhould aſſure him that his ſafety, honor, and greatneſs, could only be found in the affections of his people, and in their ſincere counſels †. Ann. 1642.

though, in his proclamation for ſuppreſſing the preſent rebellion, under the command of Robert earl of Eſſex, he declares him and his adherents traitors; and ſays, that that inſolent and prodigious commiſſion of captain-general over the whole kingdom of England, and dominion of Wales, was granted the ſaid earl, in the name of the two houſes of parliament. Were not the King's diſtinctions more refined and more unintelligible than that which the parliament made between the perſonal and political capacity of the King; a diſtinction which has been ſo much ſcoffed at by thoſe who cannot, or will not ſee the real difference that exiſts in this caſe? *Ruſhworth*, vol. IV. p. 769.

* The lord Falkland, who brought this ſecond meſſage, was received in the ſame manner as had been Sir John Colepeper. *Parl. Hiſt.* vol. XI. p. 413.

† The King having ſent a third meſſage to the parliament, in which he endeavored to exculpate himſelf, and throw the entire blame of the war on them, they returned the following anſwer: That when they conſidered the oppreſſions, rapines, firing of houſes, and murders, committed on his majeſty's good ſubjects, even now a treaty was propounded by thoſe men whom he thought himſelf bound in conſcience and honor to protect, as perſons doing their duty, they could not think that he had done all that was in his power to prevent the preſent diſtractions: That they had offered to him every thing a treaty could produce, viz. ſecurity, honor, ſervice, ſupport, and all other effects of loyal, humble, faithful ſubjection, ſeeking nothing but that religion, Liberty, the peace of the kingdom, and ſafety of the parliament, might be ſecured

Ann. 1642. Impolitic declaration of parliament.

To encourage thoſe who had lent large ſums to the public, the two houſes publiſhed a declaration, in which they proteſted, that they would not lay down their arms till the King had withdrawn his protection from delinquents, and left them to the juſtice of the parliament, that they might ſerve as a warning to ſucceeding generations, bear thoſe burthens which the common-wealth had ſuffered ſince his majeſty's departure from his parliament, and repay thoſe large ſums which his well-affected ſubjects had lent to the aſſiſtance of the common-wealth. This declaration, intended to encourage the vigor and ſpirit of the party, not being ſeconded by action, was attended with evil conſequences; it convinced all thoſe who had acted for the King, that the preſervation of their

cured from the open violence and cunning practices of a wicked party: That there were no competent perſons to treat between the King and parliament: That by perſiſting to ſhield wicked inſtruments he endangered himſelf and kingdom, whilſt they were willing to hazard themſelves to preſerve both: That his proteſtations of regard to his Proteſtant ſubjects of Ireland, or reſolution to maintain the religion and laws of this kingdom, could not give ſatisfaction to reaſonable men, whilſt Iriſh rebels, with their agents, were admitted to his preſence with grace and favor, and ſome of them employed in his ſervice; whilſt cloaths, munition, horſe, and other neceſſaries bought by the parliament for the ſupply of the army againſt the Iriſh rebels were violently taken away, by his command, and applied to the maintenance of an unnatural war againſt his people here: That notwithſtanding this, if he would be pleaſed to come back to his parliament, without his forces, they ſhould be ready to ſecure his royal perſon, crown, and dignity, with their lives and fortunes: That his preſence in his great council was the only means of a treaty with hope of ſucceſs: That they only intended the good of the kingdom, and were not to be diverted from that end by any private or ſelf-reſpects whatſoever. *Parl. Hiſt.* vol. XI. p. 423, *& ſeq.*

fortunes

fortunes depended on the ſupport of his power: the moderate royaliſts, who, though they had been incited by miſtaken intereſt and puerile prejudices to act againſt the public peace, wiſhed well to the freedom of the conſtitution, grown deſperate by this ill-timed threat, entered into the moſt violent counſels of the party. The King's levies, and other warlike preparations, from this period were carried on with great expedition. The parliament, on their ſide, ordered the diſperſed bodies of their troops to march to Northampton *. When the earl of Eſſex, who had been attended out of town with great pomp, amidſt the acclamations of the people, joined the army, it amounted to fifteen thouſand men. The King found it neceſſary to decamp from Nottingham, and retire into the Weſt †. Nothing would have been more eaſy, in this his retreat, or whilſt he lay at Nottingham, for the parliament's troops to have diſſipated the ſmall handful of his followers; and either to have taken him priſoner, or obliged him to fly the kingdom ‡: but this opportunity was miſſed by the too Ann. 1642.

* All proſpect of peace being now vaniſhed, and the nation already plunged in the horrors of civil war, the parliament paſſed an order for ſuppreſſing ſtage-plays, during the continuation of the public calamities, and another for the baniſhment of the Capuchin friars at Somerſet-houſe, and the demoliſhing all the monuments of idolatry there erected. *Parl. Hiſt.* vol. XI. p. 411, *& ſeq.*

† The King, for want of draught-horſes, had not been yet able to bring up his artillery from York.

‡ It has been imagined, that the popular leaders, from motives of policy, neglected to take this advantage of the King's weak condition; but I cannot ſee that the protraction of the war promiſed any other advantages to the moſt ſanguine of the party, than thoſe that would have naturally flowed from this event, in concurrence with the King's reſtleſs

Ann. 1642. cautious diſpoſition of the earl of Eſſex, who had not yet received his inſtructions; a fatal neglect, occaſioned by the ſanguine hopes of the parliamentary leaders *, who depending on the King's unpopular character, and judging the ſentiments of the fickle vulgar by the liberal warmth and manly ſteadineſs of their own feelings, they regarded it as impoſſible for him to raiſe a force ſufficient to encounter their army †; that the nobility and gentry would ſoon be weary of maintaining the troops already on foot; and thus they ſhould accompliſh their deſigns without ſpilling the blood of their countrymen. This fond hope loſt the favorable moment, which would have reſtored with triumph to the cauſe of Liberty, the public peace: A moment irretrievable, ſince the deſtruction of that cauſe was the fatal conſequences of the protracted war.

The King retreats to Shrewſbury.

CHARLES was ſuffered to retreat to Shrewſbury, without moleſtation: when he arrived at Wellington ‡, he

deſire of rule, and his promptneſs to enter into imprudent meaſures, ſtimulated by the petulant intrigues of the queen and her party.

* The dilatorineſs of proceedings, in this important buſineſs, muſt be entirely imputed to the lower houſe: the Lords ſent ſeveral meſſages to them, to haſten the inſtructions, which, they ſaid, ought to be given to the general before he marched the army.

† It is ſaid, that Mr. Pym and Mr. Hampden did ſay to Sir Benjamin Rudyard, That the King could never be able to raiſe an army to oppoſe the parliament. Had not theſe two great patriots thought too highly of the groſs and ſervile conceptions of the multitude, much miſchief would have been avoided. *Heath's Chronicles*, Ed. 1676, p. 36.

‡ Within a day's march of Shrewſbury, the place he had appointed for the rendezvous of his whole army.

cauſed

caused his military orders to be read at the head of each regiment. After this ceremony, himself addressed the troops in the following style: He could not suspect their resolution; their conscience, their loyalty, had brought them together to fight for their religion, their King, and the laws of the land; they should meet with no enemies but traitors, most of them Brownists, Anabaptists, and Atheists, who desired to destroy both church and state, by whom they had already been condemned for their loyalty to the King: that they might see, he said, what use he intended to make of their valor, if it pleased God to bless it with success, he thought fit to publish his resolution in a protestation. He did promise, in the presence of Almighty God, that he would defend the true Protestant religion, established in the church of England; he desired to govern by the known laws of the land; he did solemnly and faithfully promise to maintain the just privileges and freedom of parliament, and particularly to observe those laws to which he had assented; if the great necessity and straits into which he was driven did beget any violation of these, he hoped it would be imputed, by God and man, to the authors of the war, and not to him, who had so earnestly laboured for the preservation and peace of the kingdom. Ann. 1642. Protestation.

The multitude, whose blind, fatal credulity no experience can enlighten, swallowed the airy bait; nor could the well known insincerity of the King's temper, nor the necessity of his circumstances, enforcing him to speak a language foreign to his nature and his prejudices,

Ann. 1642. judices, prevent the vulgar of all ranks from being caught by the cajoling ſpeeches which he made to the people in all the counties as he paſſed. The inhabitants of Derby, Stafford, and Shropſhire, returned his flattery with paſſionate expreſſions of affection to his perſon, and adherence to his fortunes: in Shrewſbury he met with as favorable a reception, a ſmall party of parliamentarians having been driven out of the town by the very fame of his popularity *. He was no longer in want of money; the gentry not only ſupplied him with their purſes, but their plate; and undertook at their own charge, to make levies of horſe and foot. The two univerſities, who, to the diſgrace of ſcience and academic breeding, had ever been the ſervile tools of the court, poured in their hoarded treaſures, both private and public, to ſupport it in its tottering ſtate †.

The King gains recruits of men, money, and arms.

Clarendon's Hiſt. vol. II. p. 24.

* This town, declaring for the King, gave him a communication with all North Wales. Eſſex, amongſt his other omiſſions, neglected the ſecuring Shrewſbury, which would have deprived the King of this advantage.

† This learned body, by cajolements and promiſes, impoſed on the lord Say, or the King would have been deprived of this reſource. Sir John Byron had been driven, by the parliament's forces, out of Oxford; and it was propoſed, in a council of war, to ſecure the place by garriſon, being of importance by its ſtrength, its ſituation in a plentiful country, and its nearneſs to London, beſides notoriouſly diſſaffected to the cauſe of Liberty. A counſel thus wiſe and provident was rejected. The lord Say, lieutenant of the county, through an ill-timed affectation to patronize learning, complied with the inclinations of the univerſity, whoſe head-officers had waited on him in a body, and, with many flattering proteſtations, engaged themſelves not to act againſt the parliament. The more vigilant Oliver Cromwell, a member for the town of Cambridge, had ſeized on the magazine lodged in the caſtle, and hindered the carrying off plate from that univerſity to the value of

Ann. 1642. Fallacious conduct of the King and Papists.

For the benefit of the common cauſe, a piece of mockery was kept up between the King and the Papiſts: whilſt theſe took the oaths of ſupremacy and allegiance, and made formal profeſſion of Proteſtantiſm, the King publiſhed a proclamation, commanding the laws to be put in execution againſt recuſants; directed the judges to enquire into this buſineſs, on their circuits; and forbid that any ſhould be employed in his ſervice, that refuſed to take the oaths. Whilſt he reſided at York, his court was crouded with converts †; they ob-

of 20,000l.: but they afterwards found means to convey their treaſure to the King, who was ſo well ſupplied with gold and ſilver, that he erected a mint at Shrewſbury; and it is to be ſuppoſed there was no want of metal, for Clarendon complains that, for the ſcarcity of workmen and inſtruments, they could not coin quite 1000l. a week: "The King, ſays this hiſtorian, cauſing all his own plate for the ſervice of his houſhold, to be delivered into the mint, made all other men think theirs was the leſs worth preſerving." Abſurd obſervation! becauſe the King, to pay an army he had raiſed to ſupport his authority, ſacrificed his plate, did it leſſen the value of other men's? *Whitlock*, p. 60. *Parl. Hiſt.* vol XI. p. 388.

† A letter of intelligence of the late affairs in Yorkſhire, which the parliament had received, mentions, that ſince the King's proclamation for raiſing his ſtandard, there were great rejoicings among the Papiſts, who flocked from Ireland, Lancaſhire, and all parts of Yorkſhire to York; that the King had ſent out warrants, to call to his ſervice all recuſants, horſe, and arms; and that many recuſants, to make themſelves capable of command, did reſort to church. Doubtleſs, animadverts the letter, the King's deſign muſt be otherwiſe than is expreſſed in the proclamation for raiſing the ſtandard; for if it were the defence of the Proteſtant religion, the laws of the land, and the privilege of parliament, ſo often repeated, we conceive the Papiſts, who hate them all, would not ſo much rejoice, nor ſhew themſelves ſo forward to aſſiſt the ſervice. This letter farther adviſes, that the earl of Cumberland, lord Saville, lord Fauconberg, all or moſt of the commiſſioners of array, and other gen-

ann. 1642. tained employments of importance in his army, and were made commiſſioners of array: among the inha-

gentlemen of the county, met in the deanery at York, and there, with great ſecrecy, framed a petition, which they ſent up to the parliament; but that, when it was divulged, it was diſliked by a great number of the gentry of the county: that there were continual meetings and conſultations at the deanery, of dangerous and high conſequence, contrary to the laws of the land, and the liberty of the ſubjects, to join in aſſociations with other counties; to maintain the petition; to raiſe an army of horſe and foot; to conſtrain all perſons to contribute to the charge; and to diſarm and impriſon all ſuch gentlemen who either oppoſed theſe oppreſſions, or denied their aſſent: that the officers of the train-bands had already taken both money and arms from the people: that the houſes of the gentry of the country, adverſe to theſe meaſures, had been pillaged by the King's army; in particular Sir Henry Cholmley's and Mr. Marwood's houſe: that Mrs. Marwood and her ſervants were threatened with death to diſcover where her huſband was, whom they threatened to cut in pieces before her face, calling her proteſtant whore and puritan whore: that they broke open ſeventeen locks, took away money to the value of 120 l. and all the plate they could find: that many looſe people threatened to pillage and deſtroy all the roundheads, under which name they comprehended all ſuch as did not go their ways. The letter finiſhes with a propoſal that the parliament complied with, viz. that they ſhould paſs an order, that thoſe ſubjects who ſuffered in their eſtates by the licentiouſneſs of the cavaliers, ſhould have full reparation and damage out of the eſtates of ſuch perſons of wealth, who, with their preſence and aſſiſtance, did countenance theſe diſorders; that a ſufficient proportion of powder, arms, &c. ſhould be ſent down, to furniſh thoſe whom the malignant party had diſarmed; and that commiſſions for ſuppreſſing inſurrections and unlawful tumults ſhould be ſent down. Lord Clarendon, who dilates largely on ſome rapines that were committed by the parliament-party on the houſes and property of Papiſts, is both ſilent on the order that paſſed both houſes againſt theſe plunderers, and on the many enormities of the like nature, that were committed by the royaliſts in Yorkſhire, and in every county where they were not kept under by the ſuperior ſtrength of their opponents. This petition, which, in a manner, threatened the parliament with the petitioners taking up arms againſt their authority; and, with infinite exaggera-

bitants of the weſtern parts of England, who had expreſſed a more abundant affection to the King, were many popiſh recuſants; a treaty for a loan was ſoon ſet on foot, and a large contribution obtained, on the pretence of advancing two or three years of compoſition-money *. Such indeed was the diſpoſition of the country for granting loans and contributions, that from the low ſtate the King was in at Nottingham, within twenty days after his arrival at Shrewſbury, he found himſelf in a condition to meet the parliamentary forces; his army, amounting to ſix thouſand foot and two thouſand horſe, was furniſhed with arms from the Nottingham train-bands †, and the armories of the noblemen and gentry affected to the cauſe ‡. It was attended by a good train of artillery, augmented by carriage-horſes and waggons, prepared by the par- Ann. 1642.

aggerations, mentions ſome devaſtations which Sir John Hotham had been neceſſitated to commit in his defence of the town of Hull, and which the parliament had promiſed to repair to the ſufferers, was termed by the Lords, one of the higheſt and moſt inſolent petitions that ever came before them, and for which they were reſolved to have juſtice. *Parl. Hiſt.* vol. XI. p. 335, *& ſeq.* 381, *& ſeq.* 405.

* The compoſition itſelf being a ſuſpenſion of eſtabliſhed laws, was an illegal compact; it made the King's proclamation on the ſubject of putting the laws in execution againſt recuſants a contemptible farce, ſince thoſe with whom he had made compoſition were ſuppoſed to be exempted from other penalty. Clarendon ſays, that it concerned the King much that this tranſaction with the Papiſts ſhould be kept a ſecret, to avoid the ſcandal of a cloſe conjunction with them. The King raiſed 6000, by creating Sir Richard Newport a baron.

† The Nottingham train-bands had refuſed to ſerve out of their county, but were compelled to part with their arms.

‡ The vigilance of the earl of Warwic had prevented the King from receiving any farther ſupply from Holland.

Ann. 1642. liament for the ſervice of Ireland; and which the King ſeized on, as they lay at Cheſter ready for tranſportation *.

THIS unexpected dawn of fortune was brightened by a ſmall advantage prince Rupert had gained, in a ſkirmiſh at Worceſter, where colonel Sandys, a Kentiſh gentleman, in the ſervice of the parliament, was killed. Elated with this ſucceſs, the King left Shrewſbury; and, in order to bring on an action, directed his courſe towards London. The inſtructions which Eſſex had received from the parliament imported, that he ſhould preſent a petition to the King, to return to parliament †; which if he complied with, all the forces but thoſe neceſſary to ſecure his return, were to be diſ-

* The earl of Leiceſter conſtantly refuſing to deliver theſe up to the King, one Errington, a ſervant of the earl's, was bribed to demand them, in his maſter's name.

† The parliament in this petition complain, That a prevailing party with his majeſty had excited, encouraged, and foſtered an unnatural rebellion in Ireland: That they had endeavored to begin the like maſſacre here, but being therein diſappointed, they had, as the moſt miſchievous deſign of all, drawn his majeſty to make war againſt his ſubjects of this kingdom, leading in his perſon an army againſt them, as if he intended by conqueſt to eſtabliſh an unlimited and abſolute power over them: That this army, by his power, and the countenance of his preſence, had ranſacked, ſpoiled, impriſoned, and murthered ſeveral of his people. The petition finiſhes with a promiſe that, on the King's return to the parliament without his forces, they would receive him with all honor, yield him all due obedience and ſubjection, and faithfully endeavor to ſecure his perſon and eſtate from all dangers, and, to the utmoſt of their power, procure and eſtabliſh to his people all the bleſſings of a glorious and happy reign. *Ruſhworth*, vol. V. p. 18, *& ſeq.*

banded:

banded: that he ſhould, by battle or otherwiſe, reſcue Ann. 1642.
him and the royal family from the malignant faction: that he ſhould offer pardon to ſuch who would return to their duty in ten days, excepting to thoſe who had been voted againſt in either houſe of parliament, for delinquency, or impeached for treaſon, excepting the duke of Richmond, the earls of Briſtol, Cumberland, Newcaſtle, Rivers, Carnarvon, the lords Newark, Falkland, ſecretary Nicholas, Endymion Porter, and Edward Hyde. Immediately after the receipt of theſe inſtructions, Eſſex ſent a meſſenger to Shrewſbury, to know when the King would receive the petition he was appointed to deliver to him. The tone of the court was now elevated to that degree, that the petition was refuſed to be accepted, if ſent by any perſons who ſtood perſonally accuſed by his majeſty of high-treaſon, and ſpecially excepted in all his offers of pardon. This reſtriction, ſo derogatory to the honor of parliament, was rejected with diſdain by their general *, who hearing that the King, with all his army, was gone from Shrewſbury †, moved from Worceſter to attend him.

* Eſſex afterwards, by the command of parliament, ſent, with a letter from himſelf, three of their votes, relative to the conditional terms the King annexed to the receiving their petition, with a deſire of a ſafe-conduct for ſuch as ſhould be ſent with it. The anſwer the King returned was, That, if juſtice had been done, Mr. Copley, the gentleman that brought the letter and votes, could not expect his liberty; and for the petition, he would not receive it by the hands of ſuch as he had by name proclaimed traitors: That having now declared Eſſex the principal in that number, he would not receive it by his addreſs. Lord Clarendon, either ignorantly or wilfully, has not repreſented this fact juſtly. *Parl. Hiſt.* vol. XI. p. 455.

† The parliament and city of London were much alarmed at their army's remaining a day at Worceſter, after the King had left

Ann. 1642. Though Worceſter and Shrewſbury are within twenty miles of each other, the King marched ten days in total ignorance of Eſſex's motions. At Edg-cot, a village in Northamptonſhire, at twelve o'clock at night, he received intelligence from his nephew prince Rupert, of the near neighbourhood of the parliament's army; and that it would be in his power to fight a battle the next day *. The King reſolving on the attack, his army was drawn together on Edg-hill within two miles of the enemy. Eſſex was as little acquainted with the numbers as the motions of the royaliſts †; neither was

October 23. Battle at Edg-hill.

Shrewſbury; they haſtened the marches of their general, by continual diſpatches; and recalling the earl of Warwic from his naval office, appointed him captain-general of all the forces raiſed or to be raiſed in and about London. Orders were likewiſe given for the ſhutting up ſhops, and a temporary forbearance of trade. *Ruſhworth*, vol. V. p. 33.

* It is ſaid, that the King rejoiced at the preſented opportunity, and, on viewing the parliament's army through a proſpective glaſs, cried out, "I never ſaw the rebels before in a body! I am reſolved to fight them! God and good men aſſiſt my righteous cauſe!" It may not, perhaps, be improper to contraſt the King's feelings with thoſe of the emperor Otho, on an occaſion ſomewhat ſimilar. Charles, in hopes of a victory, which would put him into poſſeſſion of abſolute power, and give him a complete conqueſt over the laws and conſtitution of his country, inſtead of ſhewing repugnance, rejoiced at the approaching moment which was to deluge the land with the blood of his countrymen and ſubjects. Otho, who though a man ſo low in character as to have been the friend and paraſite of Nero, had not by that connection ſo entirely ſubdued Roman feelings, as to live the author of the diſtreſſes of his country. Though the quarrel he was engaged in was not of that nefarious nature as the eſtabliſhment of tyranny on the ruins of Liberty (that had been already effected) yet, to avoid the ſhedding Roman blood, he deprived himſelf of being, and left to his rival the undiſturbed poſſeſſion of Imperial ſway. *Heath's Chronicle*, p. 40.

† Whilſt the King was in ignorance of the near neighbourhood of the parliament army, he deſigned to attack Banbury; which was the intel-

his own army compleat, two of his beſt regiments of foot, and one of horſe, being a day's march behind, with the ammunition *. On this ſurprize he performed the part of a good general, and drew up his men to as much advantage as circumſtances would allow. His right wing, compoſed of a body of foot, and two bodies of horſe, were drawn up near the town of Keinton; his left wing, compoſed of a ſtrong body of foot and one thouſand horſe, was commanded by Ramſey, a Scotſman; and the centre by Sir William Balfour, under the earl of Bedford, general of the horſe; Eſſex himſelf reſolving to charge in perſon at the head of a regiment of foot. The centre of the King's army was commanded by Sir John Byron, the right wing by prince Rupert, and the left by colonel Wilmot; whilſt Lindſey placed himſelf in a ſituation ſimilar to that which the earl of Eſſex had choſen †. The King, through an indiſcreet partiality, had rejected the greater experience of the old earl of Lindſey ‡, and followed the opinion of his nephew prince Rupert §, in the forming his army, Ann. 1642.

intelligence Eſſex had received of his intended motion. *Parl. Hiſt.* vol. XI. p. 474.

* Beſides this deficiency, Eſſex had left one regiment at Hereford, on the confines of Wales, to prevent the King's friends in this country from falling into Gloceſterſhire, and invading the Weſt; and a third at Banbury. *Parl. Hiſt.* vol. XI. p. 473.

† One Ruthven, who had had the command of Edinburgh-caſtle, was general of the horſe under prince Rupert; Sir Arthur Aſton, a Papiſt, was colonel-general of the dragoons; and Sir Jacob Aſhley was major-general of the foot.

‡ Lindſey had ſerved in the Low-Countries with the earl of Eſſex.

§ Prince Rupert was not twenty-three years of age.

which,

Ann. 1642. which, in direct oppoſition to that under the earl of Eſſex, had its greateſt ſtrength in the two wings.

On the advance of the royaliſts, Sir Faithful Forteſcue, an Iriſhman, who had the command of a troop of cavalry in the parliament's army, ordered his men to diſcharge their piſtols on the ground, and ranged himſelf under the command of prince Rupert *. This treachery ſo intimidated the left wing, where he was poſted, that they fled on the firſt attack. Whilſt Wilmot, the commiſſary-general of the King's horſe, made the ſame impreſſion on the right wing, the runaways were purſued by theſe unexperienced commanders with ſuch raſh precipitation, that carrying away with them the flower of the army, they expoſed the centre, in which were the perſons of the King and his two ſons, to imminent danger. Sir William Balfour, ſeizing the advantage, attacked the King's infantry, quite unfurniſhed with horſe, and made great havoc. Lindſey the general was mortally wounded, and taken priſoner: his ſon, endeavoring his reſcue, fell likewiſe into the hands of the enemy. Sir Edmund Verney the King's ſtandard-bearer was killed †; and, according to the account given by Clarendon, Eſſex had once more an opportunity of

* There were to the number of ſeventeen or eighteen of this troop, who met with the proper reward of their treachery; for, having forgot to fling away the colours of their general, they were killed by the party to whom they deſerted.

† The ſtandard was taken, and brought to the general; but being by him entruſted to the care of his ſecretary, by negligence it fell into the hands of one Smith, of the King's party, who was knighted and made ſtandard-bearer. *Parl. Hiſt.* vol. XI. p. 477.

ſeizing

ſeizing the King's perſon, with his two ſons, but by an unaccountable piece of policy forbore the advantage *. Prince Rupert, on his return from pillaging the baggage of the enemy †, found, to his mortification, inſtead of a complete victory, all the ſymptoms of a defeat, and the King with a few noblemen, and a ſmall retinue about him, at the mercy of the victor. In vain did he attempt to renew the fight; the fire of his troops, which had at firſt bore down all before it, was entirely extinct. Both parties, equally reluctant to repeat the bloody ſcene, retreated from farther engagement; but ſpent the night near the field of battle. In this unpleaſant ſituation the parliament-army found ſuperior advantages to their enemies, in the good affections of the common people, who ſupplied them with many refreſhments, which were wanting to the royaliſts. Ann. 1642.

The returning light diſcovered to both parties the ſight of each other; but though the parliament-army was joined with a body of between three and four thouſand foot, commanded by colonel Hampden, and it was propoſed in a council of war to renew the bat-

* The King remained for ſome time with fewer than 100 horſe, without an officer, within half a muſquet-ſhot of his victorious troops. Eſſex's conduct was ſo contrary to his inſtructions, that it is difficult to vindicate it from the ſuſpicion of treachery.

† In the account the commanders of the parliament-army gave of the event of the battle, they imputed their not meeting with a total defeat wholly to the length of time the King's cavalry ſpent in plundering their baggage. *Parl. Hiſt.* vol. XI. p. 476.

tle,

Ann. 1642. tle, yet Eſſex was the firſt that drew off his men *, and retired to Warwic: thus not only complimenting the King with the honor of the victory, but leaving to him the poſſeſſion of Banbury; which being attacked by the royaliſts immediately after the battle of Edg-hill, ſurrendered on the firſt aſſault, though garriſoned with a regiment of eight hundred foot and a troop of horſe †.

Banbury ſurrenders to the King.

Essex, in friendly quarters, where he was ſupplied plentifully with all manner of proviſions, was in ſuch a hurry to retreat before the King's half-ſtarved army ‡, who, with the diſadvantage of inferiority of numbers §,

* Whitlock ſays, that Eſſex was much preſſed by his friends, and particularly by the officers of the freſh troops, to make an attack on the King's army. *Whitlock*, p. 61.

† Clarendon ſays, that the royaliſts had ſo little hopes of taking Banbury, that it was thought adviſeable by many not to attempt it; that, contrary to expectation, the garriſon, on leave to go away without their arms, kindly delivered up the place; that half the common ſoldiers entered in the King's army; and that the remaining arms ſupplied thoſe ſoldiers of every regiment who had never had arms, or had loſt them at the battle. This was the firſt fruits of Eſſex's ill conduct. *Clar. Hiſt.* vol. II. p. 44.

‡ The King's pretenſions, and the conduct and principles of the cavalier party, were ſo deteſted by the people of this county, that they not only refuſed to give the royaliſt ſoldiers bread, but if any, enforced by the neceſſity of hunger, detached themſelves from the main body of the army to ſeek it, they knocked them on the head. Clarendon ſays, that the people of the country were ſo diſaffected to the King, that they had carried away or hid all their proviſions: the very ſmiths concealed themſelves, that they might not be compelled to ſhoe horſes. *Clar. Hiſt.* vol. II. p. 35, 39.

§ The King's army was originally inferior in number; and Clarendon ſays, that the morning ſucceeding the battle the King found his troops

were very ill provided with arms, that he left many of his wounded ſoldiers and his carriages behind him, in the village of Keinton, adjacent to the field of battle; and, that nothing might be wanting to the diſgrace of his troops, and to ſwell the triumph of the King, he ſuffered a ſmall detachment of his army to take away four pieces of his cannon, without moleſtation *. The ſlaughter on both ſides, as to numbers, was near equal: of officers of diſtinction, the parliament loſt the lord St. John of Bletnezzo and colonel Eſſex; whilſt Lindſey, the King's general, the lord Aubigny, brother to the duke of Richmond, the lord Stewart, and Sir Edmund Verney, fell in the cauſe of prerogative †. No Ann. 1642.

troops very thin; that a third part of his foot was away, and of the horſe many were miſſing. *Clar. Hiſt.* vol. II. *p.* 39.

* In the relation of the battle, publiſhed by the King, it is aſſerted, that prince Rupert purſued Eſſex's army, in their retreat to Warwic, and took twenty-five of their waggons and carriages, laden with ammunition, medicaments, and other baggage.

Though Eſſex ſhamefully retreated before the King's forces, with all the marks of a defeat, yet, in the letter which was ſent to the parliament by their military committee appointed to attend the army, narrating the particulars of the battle, it is aſſerted, that the King's foot were moſt of them either ſlain or run away; that the earl of Eſſex would have purſued them, but that he was neceſſitated to refreſh his men for three or four days. The letter concludes with the adviſing the writing to the ſouthern counties, to ſtir them up to purſue the runaways. *Ruſhworth*, vol. V. *p.* 35, 38.

† Influenced by an idle partiality to the rank of prince Rupert, the King had exempted him from ſubjection to the commands of the general. This occaſioned a relaxation of diſcipline; and the preference he gave to the opinion of Rupert was ſo childiſhly reſented by the earl of Lindſey, that, complaining to his friends of the King's partiality, he ſaid, That being only a nominal general, he was reſolved, at the day

Ann. 1642. man of distinction was taken prisoner by the royalists; by the parliament-army, the lord Willoughby, Sir Thomas Lunsford, Sir Edward Stradling, and Sir William Vavazor. Both parties, taking advantage of a dubious appearance, pretended to a compleat victory *; but the

Victory claimed by both parties.

of battle, to place himself at the head of his regiment, as a private colonel, where he would die. Lindsey was so great an enthusiast to the cause in which he had engaged, that the officers whom the earl of Essex had humanely sent to visit him, and to offer him all kind of assistance, disgusted with the admonitions and reprehensions which he plentifully bestowed upon them, soon retired; and his zeal having not spared the earl of Essex, that nobleman contented himself with sending his best surgeons to him, and desisted from his intention of visiting him in person. Of all those whom whim, prejudice, and ignorance of the true rules of virtue, occasioned to follow the King's fortune, none have shewed more fully the imbecility of their judgment than Sir Edmund Verney and the earl of Clarendon. This last tells us, That Sir Edmund Verney was very melancholy, on the prospect of the war, and said, he did not like the quarrel; that his conscience was only concerned in honor and gratitude to follow his master; that he, having eat his bread and served him near thirty years, would not do so base a thing as to forsake him; and chose rather to lose his life, which he was sure he should do, to preserve and defend those things which were against his conscience to preserve and defend. "Now, says Clarendon, if those who had the same and greater obligations, had observed the same rules of gratitude and generosity, whatever their other affections had been, that battle had never been fought, nor any of that mischief been brought to pass that succeeded it." That is, if all men who by office, or other favor, were ever connected to the court, had been base and ignorant enough to govern their conduct so entirely by the obligation of that connection, as to support principles and things contrary to their judgment and conscience, Liberty would never have found partizans powerful enough to vindicate her cause. *Clarendon's Life*, vol. I. p. 135, *& seq.*

* The following is the form of the prayer used by the King and his party on the day of thanksgiving, and afterwards published by his authority:

Oh!

city of London had been previouſly alarmed with the news of a total defeat, from a party of Eſſex's horſe, who flying on the firſt onſet, had not recovered their panic ſufficiently to return to the field of action. The King, after he had recruited and refreſhed his army, continued his march, placed a garriſon in Wallingford, and took poſſeſſion of Oxford; a town more at his devotion than any other in the kingdom *: from Oxford he proceeded to Reading †, Ann. 1642. The King takes poſſeſſion of Oxford and Reading.

" Oh! thou God of hoſts, who goeſt with our armies, and pleadeſt the cauſe of thine anointed againſt them that ſtrive with him; We acknowlege, with all lowlineſs of mind, that it was not our ſword, nor the multitude of our hoſt, that ſaved us in the day of battle; but it was thy hand alone that hath diſpoſed of victory to thy ſervant the King, that coveredſt his head in the day of battle, and haſt kept his crown from being thrown to the ground. Not unto us, therefore, not unto us, but unto thee, O Lord! do we give the praiſe, beſeeching thee to accompliſh the great work thou haſt begun for us; to continue the bleſſings of good ſucceſs on the head of our ſovereign, and on his army, that the happineſs thereof may flow from thence to the very ſkirts of his people; to continue the fear and conſternation which thou haſt already caſt upon the hearts of thoſe who have rebelliouſly riſen up againſt him; to enfeeble their ſtrength, to infatuate their counſels, to undeceive, and diſabuſe the ſeduced part of them, that they may know and feel, that to take up arms againſt thy vice-gerent, is to fight againſt heaven; that ſo, by a timely and conſcientious ſubmiſſion to the juſt authority of him whom thou haſt ſet over them, the effuſion of more blood may be prevented, &c." *Vicar's Parl. Chron.* p. 203, *& ſeq.*

* Theſe zealous academicians, as they had before preſented the King with all their plate, ſo now they gave him all the money they had in their treaſuries. *Clar. Hiſt.* vol. II. p. 53.

† Nicholas, the King's ſecretary, in a letter to the earl of Cumberland, written the day after the battle of Edg-hill, tells him, that the King was marching by Oxford to London, in which place he was to be met by Sir Ralph Hopton, with 10,000 horſe and foot, of his and other gentlemen's raiſing in the Weſt: that there were in Wales 6 or 7000 men, who would be ready, on all occaſions, to come to his majeſty;

Ann. 1642. the governor * and garriſon of that place having fled with precipitation to London, on the approach of a party of his horſe.

Now it was that the proſpect of affairs began to darken: the King, whom Eſſex, after miſſing ſeveral opportunities, might, even at the battle of Edg-hill, have deſtroyed or taken priſoner, was now grown formidable; and the parliament, after dallying with their advantages, found themſelves engaged in a bloody war, whoſe uncertain event rendered precarious the very exiſtence of liberty. The public conſternation was encreaſed by the King's approach to Colebrook, whilſt Eſſex was yet at a diſtance. In theſe alarming circumſtances, the parliament voted an addreſs for a treaty; but, like Roman ſenators, in a time of equal danger, they did not deſpair of the Commonwealth †:

The parliament vote an addreſs for a treaty.

but it was hoped he would not need their help: he had given ſuch a blow to the earl of Eſſex, that neither himſelf nor army would be again in haſte to adventure themſelves againſt the Lord's anointed. This letter coming to the hands of the parliament, was read by their order at Guild-hall to the lord-mayor, aldermen, and common-council, with the account of the battle, which was not, as Clarendon aſſerts, a falſe and flattering one, but juſt and candid; the parliament rather endeavoring to raiſe the attention of the city to the preſent danger, and to urge them to means of prevention, than to deceive them with ill-founded hopes. In narrating the hiſtory of the battle, the lord Wharton aſſerted, that prince Rupert and his troops had committed unneceſſary ſlaughter on the perſons of countrymen, women, and children, in the village of Keinton, where was the baggage of the parliament-army. *Parl. Hiſt.* vol. XI. p. 482, *& ſeq.*

* Martin, whom the King had particularly excepted againſt in his offers of pardon, was governor of this place.

† At the ſame time that they voted an addreſs for a treaty, they publiſhed their intention, that the preparation for forces, and all other neceſſary

even in thoſe moments when they imagined the King had gained a complete victory, they talked not in terms of deſpondence, but with great ſagacity and coolneſs proceeded to paſs the following neceſſary orders, viz. That the King's children ſhould be removed into the city; that the neck of land over-againſt Durham-houſe ſhould be fortified; the Papiſts in Lancaſhire ſecured; the priſoners in and about the city more ſtrictly confined; and the ſhops to be ſhut up, that the ſhop-keepers and apprentices might have no employment to prevent their giving their whole attention to the defence of the city. Two ordinances paſſed both houſes; one providing a maintenance for the ſoldiers who ſhould be wounded, and for the families of thoſe who ſhould be killed in the public cauſe; and the other for a faſt, but with exception to the able-bodied men about London, who were to keep themſelves in a readineſs to fight for the public*. After theſe meaſures

Ann. 1642.

Meaſures to ſecure the city.

neceſſary means for the Proteſtant religion, the privilege of parliament, and the laws and liberties of the ſubject, ſhould be proſecuted with vigor. *Parl. Hiſt.* vol. XII. p. 7.

* The parliament, on the firſt item of the King's intention to leave Shrewſbury, had given orders that the train-bands in and about London ſhould be put into a poſture of defence; that the confines of London and Weſtminſter ſhould be defended by guard-houſes, poſts, bars, and chains; and that the train-bands and volunteers of its ſeveral pariſhes ſhould keep watch day and night. The declaration ordering the train-bands to be in readineſs, lays the following charge on the King: That he, by the help and aſſiſtance of the Papiſts, the prelatical and corrupt part of the clergy, the delinquent nobility and gentry, the confluence of proſcribed traitors, and of many deſperate, mercenary, and ill-affected perſons, from all parts of the kingdom, had raiſed an army, for the moſt part armed, cloathed, and fed with the ſpoils of his ſubjects; That wicked counſellors about him did not only hinder him from exerciſing

Ann. 1642. were concluded on, for defending the city, ſecuring

erciſing the juſtice and protection of a King towards his people, but that honor which is obſerved betwixt enemies: That the two following propoſitions were made to one David Alexander, by Sir John Henderſon, a Papiſt, a confident inſtrument of his majeſty's, to aſſaſſinate Sir John Hotham, and put fire to the magazine of the army, raiſed by the parliament. "What is it, ſays the declaration, that moves any honeſt man, or Proteſtant, to aſſiſt his majeſty, in this unnatural and impious war? Is it for fear of ſome innovations and alterations of religion or church-government? Nothing is intended but to take away the government by biſhops, evidently miſchievous to the church and ſtate, with other things which ſhall be found, after conſultation with an aſſembly of learned divines, juſtly offenſive. Is it to uphold the authority, prerogative, and honor of the King, and to preſerve the ſafety of his royal perſon? Surely the parliament is, and ever hath been, ready to do any thing to ſecure theſe. If there be no cauſe, for any of theſe reſpects, to ſeek the deſtruction of the parliament, and the blood and ruin of their kindred, friends, and acquaintance, what remains then to be the matter of the quarrel, and the effects and conſequences of their victory, if they ſhould prevail? That prieſts, Jeſuits, and the pope's nuncios may domineer and govern in the King's councils, as heretofore; that the archbiſhops of Canterbury and York, with their ſuffragans, may ſilence diligent and powerful preaching, baniſh and oppreſs the moſt pious and beſt-affected ſubjects in the kingdom, and introduce the popiſh religion under Proteſtant profeſſion; that the earl of Briſtol, the lord Digby, and other ſuch traitors, may be the arbiters of ſtate affairs, and the diſtributers of preferments and diſgraces to ſuch who ſhall further or oppoſe their deſigns; that delinquents may not only eſcape the juſtice of parliament, but triumph in the ſpoils of all honeſt men and good patriots; that, through our diviſions, the rebels in Ireland may prevail; that we may ceaſe to be a free people, and become the object of cruelty and oppreſſion at home, and of ſcorn and infamy abroad: And if there can be no other fruit of their hazard and endeavor on that ſide, let them conſider whether, by adhering to the parliament, they may not expect effects more ſuitable to the deſires of honeſt men; the glory of God, in the preſervation of his truth; the peace of the church, by ſecuring it againſt the pride, avarice, and ambition of the clergy; the honor, greatneſs, and ſecurity of the King, by freeing him from falſe

and

the King's revenue *, and raiſing money; one Sir John Evelyn, whoſe timidity had occaſioned him to refuſe to enter into an agreement to aſſiſt the earl of Eſſex with his life and fortune, was ordered to be expelled the houſe, diſarmed, and committed to the Tower †. Ann. 1421.

THUS calm, thus regular, thus reſolute, was that ſpi-

and traitorous counſels, and eſtabliſhing him in the hearts and affections of his people; and the proſperity of the whole kingdom, by the bleſſings of good laws and a righteous government." After the battle of Edg-hill, on the King's approach to London, lines of circumvallation were ordered to be flung up in and about the city: at theſe works the lower claſs of people, men, women, and children, inceſſantly toiled; whilſt females of fortune, diſcarding the privilege annexed to their ſituation, of being uſeleſs to ſociety, attended the laborers with meat and drink. *Parl. Hiſt.* vol. XI. p. 444, *& ſeq.* 447, *& ſeq.*

* The reſolution for ſecuring the King's revenue had paſſed before the battle of Edg-hill, with the following ones, viz. That ſuch perſons as ſhall not contribute to the charge of the Commonwealth, in this time of imminent danger, ſhall be held fit to be diſarmed and ſecured: That the fines, rents, and profits of archbiſhops, biſhops, deans, and chapters, and of ſuch notorious delinquents as have taken up arms againſt the parliament, or have been active in the commiſſion of array, ſhall be ſequeſtered for the uſe and ſervice of the Commonwealth. This revolution occaſioned the revolt of one of the King's followers, the lord Coventry, who, in a ſubmiſſive letter to the upper houſe, offered 2000l. for carrying on the public cauſe, deſiring to be protected in perſon and eſtate, and to have his arms in Worceſterſhire reſtored to him. *Parl. Hiſt.* vol. XI. p. 446, 453, *& ſeq.*

† Sir John Evelyn deſiring leave to be heard before the cenſure was pronounced by the ſpeaker, the requeſt was complied with; and, on his declaring himſelf in the affirmative to the vote concerning the earl of Eſſex, and offering to lend upon the propoſitions 100l. the houſe revoked their former order. They had before expelled and impriſoned Sir Sidney Mountague, for refuſing their oath of aſſociation, to live and die with the earl of Eſſex. *Parl. Hiſt.* vol. XII. p. 5, *& ſeq.*

ordination,

Ann. 1642. rit which awed the unruly multitude into neceſſary ſubordination, at a time when civil diſcord had diſſolved the bonds of legal obedience; who, whilſt it propoſed defence againſt the hoſtile invaſion of an army, guarded againſt the more dangerous machinations of a malignant faction that lurked in the capital. Whilſt concord reigned among the popular leaders, all oppoſition gave way to the wiſdom of their counſels; but even now malice, envy, and an overweening deſire of ſuperiority, had created faction among them, which not only blaſted the promiſed harveſt of bringing the King, without blood-ſhed, to proper terms of accommodation, but put him in a ſtate more formidable *to the freedom of the conſtitution*, than he had ever yet been, ſince his acceſſion to power. The earl of Northumberland, whom Charles had complimented with the higheſt office of command in the kingdom, looked with an envious eye on the great powers inveſted by the parliament in the earl of Eſſex, and headed a large body of men infected with the ſame venom; whilſt the earl of Eſſex himſelf, entertaining a mean jealouſy of thoſe rational notions of democratical freedom which prevailed in the lower-houſe, and which equally alarmed all the narrow-minded noblemen of the party, had forborn to avail himſelf of thoſe advantages which might have put a deciſive concluſion to a diſpute that now threatened all the horrors of a bloody war. London had not been purged of a large body of male-contents, whom the parliament had diſcharged from public ſervice on ſuſpicion of their principles; even amongſt the citizens, whoſe zeal for Liberty had been ſtimulated by ill uſage received from the Stewart family,

Diviſions among the popular leaders.

Large faction in favor of the court.

mily, there were men who owed their fortunes to the partial favor of the crown, farms of the cuſtoms, patents, monopolies, and other illicit indulgences: nor was the King entirely without a party in the parliament itſelf, ſome continuing their ſeats on purpoſe to do him ſervice, when occaſion ſhould offer. Theſe, with other individuals of all ranks, either attached to his fortune by ſimilarity of principle, or converts to his cauſe through diſguſt of thoſe ſeverities which the neceſſity of circumſtances had obliged the parliament to exerciſe †, made a large faction in favor of the court, and were continually plotting againſt the parliament: they failed not to take advantage of that terror which the report of a total defeat at Edg-hill had ſpread through the whole town; and though the parliament had voted, That their army had the victory, and appointed the obſervation of a ſolemn thankſgiving; yet the circumſtances of the King's taking Banbury, with the lord Say's houſe at Broughton, and marching forward, whilſt the earl of Eſſex lay ſtill at Warwic, were circumſtances of ſuch preſumption that the event of the battle had been in favor of the other party, that they were not eaſily to be contradicted. The King, to fortify this pretenſion, ſent an offer of pardon to the city of London, Ann. 1642.

† The parliament had appointed a committee of ſafety, whoſe office it was to ſee the Commonwealth received no damage: they had the management of the whole buſineſs relative to the war, and were truſted with very arbitrary powers; ſuch as, to break open the houſes of thoſe ſuſpected of diſaffection, and to ſecure their arms and money. The earl of Northumberland was chairman of this committee.

Ann. 1642. and ſeveral other towns, which had declared for the parliament; whilſt his well-wiſhers in both houſes, taking advantage of that conſternation which the earl of Eſſex's backward conduct had occaſioned, propoſed a peace, as the only means to ſecure the public from danger. This motion was powerfully ſeconded by thoſe who were envious of the military commanders, and by men of nominal greatneſs, who wanted the prop of monarchy to ſupport their inſignificance againſt the towering virtues of the popular leaders.

Artful conduct of the King's enemies.

THE tide within and without doors running too ſtrong in favor of pacific meaſures, to attempt oppoſition, the anti-court party not only gave way to the motion *, but ſeconded it, artfully inſinuating, that care ſhould be taken, that a too great zeal for peace might not be a means to leave them in the power of the enemy; that ſuch meaſures ought to be purſued for the continuation of the war as ſhould convince the King, that they were not reduced ſo low as to accept of the terms he pleaſed to impoſe. This advice being too ſagacious to be rejected by the majority of parliament, it produced the following reſolutions: That his majeſty ſhould be addreſſed for ſettling the peace of the kingdom: That the preparation of forces, and other neceſſary means for defence, ſhould be proſecuted with vigor, if an honorable and ſafe peace might not be ob-

* The motion for peace was firſt made in the upper houſe. *Parl. Hiſt.* vol. XI. p. 489.

tained:

tained: That the Scots ſhould be applied to for aſſiſtance, in caſe there ſhould be any occaſion. A meſſenger was diſpatched from both houſes, to deſire of the King a ſafe-conduct for a committee of Lords and Commons, to attend him with an humble petition from parliament *. The meſſenger found him at Reading, whoſe cowardly garriſon had not a little contributed to elevate the royal ſtyle. The King abſolutely refuſed to receive any committee that conſiſted of perſons whom he had declared traitors; and though the parliament had before voted ſuch an exception a breach of their privilege, they had now the complaiſance to ſend a letter the next day to lord Falkland, to deſire a ſafe-conduct for the earls of Northumberland and Pembroke, with four members of the houſe of Commons †. One of theſe being Sir John Evelyn, whom the King had excepted againſt in a proclamation of pardon to the county of Wilts ‡, he was omitted in the ſafe-conduct, with a ſignification, that any other perſon not ſubject to the ſame cenſure ſhould be received as if his name was inſerted. The parliament voted this anſwer a denial; but faction within doors, and clamor without, ſo diſtracted their counſels, that, on the King's advance to Colebrook, they condeſcended to ſend the perſons Ann. 1642.

* This was in compliance with the King's exception to the receiving any addreſs from the earl of Eſſex.

† The lord Wenman, Mr. Pierpoint, Sir John Hippeſly, and Sir John Evelyn.

‡ This proclamation had come out but the day before the petition was received. Such proclamations, with exceptions, had been publiſhed in all the counties which had taken up arms for the parliament.

Ann. 1642. he had named in the ſafe-conduct, to petition him to fix on ſome place in the neighborhood of London to reſide, whilſt they treated with him on propoſitions of peace *. The King returned anſwer, that he ſhould

* One of the reaſons the parliament gave the city for this their condeſcenſion, was the ſafety of the King's perſon, that having been in ſome hazard the laſt battle; and that they hoped, as he had now ſeen ſo much blood ſhed about him, he would be more tractable to good conditions of peace than he had been before. Mr. Pym aſſured the citizens, that the affections of the parliament were not more cold to the public good than they had been heretofore; and, though they did deſire peace, yet a peace to betray religion and Liberty they ſhould eſteem worſe than war; that, if the King received their petition, the propoſitions they deſigned to make were for the ſecurity of religion, with the hopes of reformation; the ſecurity of a Liberty that ſhould not only exiſt in laws and ſtatutes, but in practice and in execution; the ſecurity of the dignity and honor of parliament; and that their fourth care ſhould be not to conſent to any thing prejudicial to the city of London, but to maintain it in a higher degree of honor than it ever was. Theſe propoſitions did not ſatisfy thoſe citizens who were really in earneſt on the matter of diſpute ſubſiſting between the King and the people: an application was made againſt the intended peace, by ſome thouſands of citizens, who coming to the houſe of Commons, one Mr. Shute, a merchant, in the name of the reſt, after a compliment to the houſe on the pains they had taken for the preſervation of the Proteſtant religion, &c. preſented a petition, in which they expreſſed their fears that they were bought and ſold, ſeeing, 1ſt. That, in a time of ſo much danger, there was but one army to rely on. 2d. That in all this time the King's ſtrength lying in horſe, the city ſhould not appear in a conſiderable body of horſe. 3d. That Windſor-caſtle ſhould not be provided as it ought. 4th. That colonel Holles's regiment, men of ſuch courage, ſhould be expoſed to a place of imminent danger, being next to the enemies forces, and almoſt naked. 5th. The point of accommodation was another reaſon of their grief. They had come to this reſolution, That they would man out every man his own man, make their own captains and officers, and live and die with the houſe of Commons, and in defence thereof; and, if there was any in the Lords' houſe that did retard or hinder

be glad to hearken to ſuch propoſitions as ſhould ſettle the diſtractions of his kingdom, to God's glory, his Ann. 1642.

hinder the public defence, they wiſhed they would declare themſelves, and that they were with the King. 6th. Another matter of their grief was, that the ſabbath ſhould be ſo long prophaned by public authority, the book that enjoins it not yet burnt by the common hangman; they obſerved that this day ſo prophaned had been the day of their ruin. 7th. The blood ſhed of the martyrs, in queen Mary's days, done by act of parliament, and no expiation yet made. 8th. The officers in the army, though they muſt always mention my lord general with honor, as one in whom they did abſolutely confide, not ſo careful and diligent as they ought, nor all of them ſo truſty. 9th. The number of the priſoners of very great, and dangerous condition, and the maſters and keepers of thoſe priſons not to be confided in. 10th. The good miniſters, in times paſt, ſilenced and put out by the biſhops. "You have, ſaid the petitioners, our perſons, purſes, and eſtates, at your command; you may do with us at your pleaſure." It is eaſy to ſee by this petition, that the citizens had a juſt idea of thoſe cabals and factions which at this time acted ſo fatally againſt the intereſt of the public; and that they had formed a very different opinion of the battle of Edg-hill than what was publiſhed by the parliament, ſince they obſerved, that that Sunday on which it was fought had been the day of their ruin. Certainly every well-wiſher to the liberty of the country had great reaſon for the apprehenſions expreſſed by theſe honeſt citizens, ſince the defence of that Liberty was at this time in the hands of many who either affected it not at all, or only affected it as it was united to their particular intereſt. If the jealouſies that ſubſiſted between Northumberland, Eſſex, and Holland, had ſubſided, and given way to reciprocal confidence, a peace would have been concluded with Charles on terms of ſafety and honor to themſelves, but on a baſis too narrow to ſupport the extenſive fabric of public Liberty. The citizens who brought the forementioned petition to the houſe, offered, in the name of the petitioners, to raiſe a large body of horſe and foot; and the following reſolutions were paſſed by the Commons on the occaſion: That the book impoſing the tolerating ſports on the ſabbath-day, be forthwith burnt by the common hangman: That the houſe did accept the offer of the citizens for furniſhing horſe and foot, did account it to be a ſer-

Ann. 1642. own honor, and the welfare and flouriſhing of his people; and to that end he ſhould reſide at his own caſtle at Windſor, which he deſired might be given up to his troops, and the parliament to withdraw their garriſon. This unreaſonable requeſt, that the parliament ſhould give up ſuch a conſiderable place, merely on the hope of peace, ſhews on what terms the King intended to treat. The earl of Northumberland, however, prevailed with the parliament to write a letter to the King, intimating a deſire for a ceſſation of all acts of hoſtility; but neither the hopes of a treaty, the complaiſance of the parliament *, nor ſentiment of humanity, urging the forbearance of blood †, retarded the King's advance. Excited by the counſels of his intemperate nephew, prince Rupert, and the fond expectation that every thing would give way before him,

Treachery of the King.

a ſervice much importing the ſafety of the Commonwealth, and did return them hearty thanks. *Parl. Hiſt.* vol. XII. p. 24, *& ſeq.* 33, *& ſeq.*

* Though the King had ſo haughtily refuſed any addreſs from the parliament's general, the earl of Eſſex, becauſe he had declared him a traitor; yet the parliament, who had done the ſame thing by the lord Falkland, addreſſed him with every circumſtance of civility due to his rank and office. In this addreſs to the King they had ſo varied from their wonted ſtyle, that he obſerved, in one of his declarations, that their language was more ſupplicatory than uſual.

† The King, in his anſwer to the parliament's laſt addreſs for peace, ſaid, That that tenderneſs to avoid the deſtruction of his ſubjects, which would always make his greateſt victories bitter, would make him hearken willingly to ſuch propoſitions, whereby the bloody diſtemper of the times might be ſtopped, and the great diſtractions of the kingdom ſettled, to God's glory, his own honor, and the welfare and flouriſhing of his people. *Ruſhworth*, vol. V. p. 58.

he

he marched forward, with an intent to ſeize the parliament's train of artillery at Hammerſmith; and from thence to ſurpriſe London, where he imagined his party was ſo great, that on the approach of his army no reſiſtance would be made. Two regiments of foot, and a ſmall party of horſe, lying at Brentford, oppoſed his paſſage, and almoſt vying in glory with the Roman Fabii, were all cut off in defence of the public, except thoſe who were taken priſoners*. A few days before this engagement the earl of Eſſex had arrived with his army at London, where, notwithſtanding the coldneſs of his conduct, for politic motives he was received by both houſes as a conqueror, preſented with five thouſand pounds †, and a memorial of his great and acceptable ſervice to the Common-wealth, to ſtand on the journals of parlia- Ann. 1642.

* Mr. Holles's regiment, of whoſe lying in this place of danger the citizens had complained, were almoſt all cut off. They had behaved remarkably well at the battle of Edg-hill. It appears, by a relation publiſhed by authority of parliament, that the King's army were guilty of enormous acts of rapine, deſtruction, and cruelty, on the taking of Brentford. Clarendon in a manner owns the truth of this relation, by ſaying, that it was framed on the diſcourſes of thoſe ſufferers who had received damages by the licence which was neceſſary to give to the King's troops. *Huſbands' Collections*, p. 758, *& ſeq. Clar. Hiſt.* vol. II. p. 59.

† The following is a ſtrong inſtance of the great complaiſance the whole party paid to Eſſex at this time: The parliament had appointed the earl of Warwic to command the forces raiſed in and about London; Eſſex, indignant at this partnerſhip, was on the point of throwing up his commiſſion: the earl of Warwic, who at this time acted a very diſintereſted part, offered to reſign his command; his offer was accepted, and the earl of Eſſex again reinſtated in the ſupreme military command.

ment

Ann. 1642. ment as a monument of his ſingular virtue to all poſterity *.

On the news of the attack at Brentford, Eſſex's army was all drawn out on Turnham-Green, and joined by a numerous body of train-bands, united to the train-bands of the adjacent counties, who, with the addition of London apprentices †, formed of themſelves a formidable army. They had been exerciſed for ſeveral months by major Skippon, who, as he led the gallant band to action, encouraged them by the following ſhort and animating oration: Come, my brave boys, let us pray heartily, and fight heartily; I will run the ſame fortunes and hazards with you: remember the cauſe is for God, for the defence of yourſelves, your wives, and children. Come, my honeſt brave boys, pray heartily and fight heartily, and God will bleſs us." When the two parties met, Eſſex found himſelf at the head of twenty-four thouſand fighting men, completely armed, beſides detachments to the amount of eight thouſand, with a fine train of artillery. In a council of war, it was propoſed by the

Whitlock, p. 62.

* Lenthall, the ſpeaker, on a complaint that his fortune had been injured by ſo long and conſtant an attendance on the houſe, had received the ſame preſent.

† The parliament had paſſed an ordinance to exempt the body of apprentices from any after-proſecution from their maſters, on the neglect of articles, occaſioned by their attendance on the public ſervice. This was a neceſſary piece of juſtice in favor of recruits, whoſe zeal for the cauſe, and vigor of body, the fruit of temperance and ſobriety, rendered very uſeful auxiliaries.

ſtanding

ſtanding committee appointed by parliament to attend the general *, that a detachment of troops then lying at Kingſton ſhould advance to Hounſlow; that two regiments of horſe, and four of foot, ſhould defile towards Acton; that, on a ſignal given, the general, with the main-body, ſhould advance in front, attack the royaliſts in front, rear, and flank; and, by one deciſive ſtroke, put an end to the war. Am. 1642.

THE earls of Eſſex, Northumberland, and Holland †, from different motives oppoſed this ſalutary advice; and the committee were perſuaded to acquieſce with the inclinations of the general, by two officers whoſe military reputation was great, but whoſe intereſt it was that the war ſhould be continued ‡. Thus this pro-

* The committee for military affairs was compoſed of theſe twelve peers, viz. the earls of Eſſex, Peterborough, and Stamford, the lords Kimbolton, Wharton, St. John, Fielding, Hunſdon, Haſtings, Brook, Roberts, and Willoughby of Parham, with twenty-four commoners; four members of this committee were always to attend the general. Whitlock ſays, that they were to take ſubſcriptions of loans, and order matters concerning malignants, and to conſider the good of the army. *Parl. Hiſt.* vol. XI. p. 432. *Whitlock*, p. 59.

† The earl of Holland, who had aſpired to one of the chief commands in the army, and looked upon the pretenſions of Eſſex to be infinitely inferior to his own, uſed his utmoſt efforts to diſſuade Eſſex from attempting what would, in its conſequences, add to the power and reputation of his rival. *Ludlow*, p. 21. *Clarendon.*

‡ Dalbier, a foreigner, who had been once a creature of Charles's, but on being neglected by him, had entered into the parliament's ſervice; and Merric, who had expreſſed a diſinclination to the cauſe: it was the intereſt of theſe two officers that the war ſhould be protracted. Hampden had marched a mile, in conſequence of orders given from the forementioned advice, when he was commanded back, in the general's name, by Sir John Merric. *Whitlock*, p. 62.

Ann. 1642. The two armies meet and retire without fighting.

miſing army, after having for ſome time faced the enemy's horſe, whilſt their main body retreated to Kingſton *; wheeled about, and returned to London; whilſt Charles, after having fortified and garriſoned Reading, retired to Oxford.

The King's inſincerity and perfidious dealing in the attack at Brentford, whilſt the parliament, depending on a treaty, had actually ſent orders to their troops to forbear hoſtilities, had raiſed ſuch a clamor in London †, that he thought it neceſſary to endeavor to clear himſelf from the charge of treachery: he not only excuſed his conduct, on the circumſtance, that no ſtipulations for a ceſſation had been mentioned by the parliament's commiſſioners ‡, but even denied he had any deſign

* Whitlock ſays, that, inſtead of the plan being purſued which had been propoſed by a council of war, which would undoubtedly have turned out advantageous, the party at Kingſton were commanded to march round by London-bridge into London, and from thence to join the parliament army; whereby they came late and tired, when they were to have done ſervice. By this movement the town of Kingſton was quitted to the royaliſts. *Whitlock*, p. 62.

† Clarendon in a manner owns, that, if the King had behaved with honor, a treaty favorable to his intereſt might at this time have been effected by the ariſtocratical faction, who looked with more jealouſy on the greatneſs of the popular leaders, and the growing Liberty of their country, than they had done before on the abuſed power of the King. *Clar. Hiſt.* vol. II. p. 56, *& ſeq.*

‡ Sir Peter Killegrew, the meſſenger appointed to carry the parliament's letter for a ceſſation, on arriving at Brentford, found ſome of the King's army engaged with the parliament forces; he endeavored to reach the King by the way of Uxbridge, but was there ſtopped by ſome of the King's dragoons. *Parl. Hiſt.* vol. XII. p. 37.

upon

upon London. This flagrant falſehood both weakened the force of his other aſſertions, and corroborated the opinion of the public, in regard to the inſincerity of his character *. On his ſending a meſſage to invite the Ann. 1642.

* As Eſſex, for the better ſecurity of the city of London, had ordered ſome works to be flung up at Brentford, and had placed detachments of his army at Brentford, Kingſton, and Acton, the King pretended he was afraid of being ſurrounded at Colebrook: but the forementioned diſpoſition was little calculated for ſuch a purpoſe; and the King encreaſed this danger by advancing nearer London. To conceal his deſign of ſurpriſing the capital, on his march to Brentford, he ſent the parliament word, That he would, in that place, meet their propoſitions for peace. Soon after the parliament received this meſſage, the noiſe of the engagement at Brentford reached them. They were ſo enraged at the treachery, that they treated the meſſenger as a ſpy, impriſoning both him and his companion, a trumpeter, in the Gatehouſe; and returned the following anſwer to the King: That they thought it a ſtrange introduction to peace to beat them out of their quarters at Brentford, and then appoint that place to receive their propoſitions, which he intended not to receive till he had firſt tried, whether he could break the army raiſed for the defence of the kingdom, and take the city, unprovided and ſecure, in expectation of a fair treaty. Clarendon endeavors to prove the neceſſity of the King's march by a reaſon not urged in the declaration publiſhed on this occaſion, viz. that prince Rupert having advanced to Hounſlow with the horſe, without orders, found himſelf in danger of being ſurrounded by the parliament forces at Kingſton, Acton, &c. and ſent to the King, to deſire him to move forward to diſengage him. This, as Rapin obſerves, is as frivolous a reaſon as any that had been urged by the King; ſince it would have been eaſier, and leſs dangerous, for prince Rupert to have drawn back, than for the King to march forward. The King finiſhed his declaration with the following hypocritical obſervation: "We cannot but make one argument more of the truth of our profeſſion, that this was all our end; and that we had not the leaſt thought, by ſo advancing, to ſurprize and ſack London, which the malignant party would infuſe into that our city; and that is, that probably God Almighty would not have given ſuch a bleſſing to our journey, as to have

Ann. 1642. The King endeavors in vain to reſume the intended treaty.

parliament to reſume the treaty, and to acquaint them, that to forward it he was determined to draw his army to an unexceptionable diſtance from London; a large body of zealous citizens, who had offered to raiſe men and horſe at their own expence, exclaimed againſt treaties, as intended for ſnares; and notwithſtanding all that the inveterate enemies to Liberty could do in favor of Charles, with the equally deſtructive counſels of its luke-warm friends, the following ſpirited anſwer was returned: That both houſes did deſire his majeſty to come back to his parliament, not

aſſiſted us both by land and by water, as with leſs than a third part of our foot, and with the loſs of but ten men, to beat two of their beſt regiments out of both Brentfords, for all the great advantage of their works; to kill him who commanded in chief, and to kill and drown many others; to take 500 priſoners, more arms, eleven colours, good ſtore of ammunition, and fifteen pieces of ordnance, whereof we ſunk moſt that we brought not away; and then, unfought at and unoffered at, nearer than by ordnance, to march away, notwithſtanding the great diſadvantage of our forces, by the difficulties of the paſſage; if He who is the ſearcher of all hearts, and truth itſelf, had not known the truth of our profeſſions, and the ſincerity of our heart, and how far we were from deſerving thoſe horrid accuſations of falſhood and treachery, caſt ſo point-blank upon our perſon, that it would amaze any man to ſee them ſuffered to be printed in our city of London. If any thing of that kind could be a wonder, after ſo many of the like, and how really they deſire accommodation, that upon this ſtage you ſee they will have none. Theſe our reaſons for this action, and our ſatisfaction ſent for it, and this bleſſing of God upon it, will, we doubt not, clear us to all indifferent perſons, both of the jeſuitical counſels and the perſonal treachery to which ſome have preſumed ſo impudently to impute it; and God ſo bleſs our future actions, as we have delivered the truth." Clarendon owns, that the reaſon of prince Rupert's advance was intelligence he had received from London, that if the King's army drew near, no reſiſtance would be made. *Rushworth*, vol. V. p. 61, *& ſeq.*

with

with his martial, but his royal attendance; and they Ann. 1642.
ſhould then be ready to give him aſſurances of ſuch ſecurity, as ſhould be for his honor and the ſafety of his perſon. The ſtrength of the parliament's army, as it had been hitherto, by the pernicious intrigues of ſelfiſh commanders, diverted from performing any real ſervice, was a circumſtance that helped to diſtreſs them. Its large and regular payments, with the neceſſary rewards which had been given for ſervice *, had already exhauſted the treaſure provided for the expence of the threatened war †.

THE parliament was now obliged to have recourſe to the unpopular expedients of heavy aſſeſſments upon towns and counties ‡; and by thoſe who were pro- Aſſeſſments.

* The allowance of Eſſex was 10 l. and that of Bedford 6 l. a day. The Commons, to encourage their ſoldiery to repair to their colors, ordered every footman half-a-crown, and the horſe five ſhillings above their pay: nor was the parliament leſs humane than generous; the ſoldiers wounded in their ſervice were diſpoſed in the ſeveral hoſpitals about London, and committees were appointed to ſuperintend the government of the hoſpitals, that the patients might be provided with every thing neceſſary. Thus every member of each houſe was rendered uſeful by having an employment allotted him that was adapted to his genius. *Parl. Hiſt.* vol. XII. p. 32.

† Thoſe wealthy individuals who had with ſuch forward zeal offered up their riches, not finding the war anſwer their expectation, grew backward in their advances of money.

‡ The expence of the war having hitherto lain on the friends of Liberty, and particularly on the citizens, who had advanced large ſums on the propoſitions of parliament for loans; theſe, on an application of both houſes to the ſame purport, deſired them to conſider, how to raiſe money in ſuch ſort, that the whole charge might not lay upon the well-affected party; but that the malignants ſhould likewiſe, according to their

Ann. 1642. tected or awed by the royaliſts, their ordinances were ill obeyed; whilſt the King, having the greater part

their abilities, bear a ſhare. This produced the firſt ordinance for an aſſeſſment, which was directed to be laid on the contributors upon the propoſitions for lending money, and raiſing horſe and arms, which was not to exceed the twentieth part of their eſtates real and perſonal. The neceſſities of parliament, and the obſtinacy of the non-contributors, occaſioned ſeveral arbitrary ordinances for the enforcement of the aſſeſſment. Collectors were empowered to break open cheſts, trunks, boxes, doors, &c. whereby to take a diſtreſs for the ſum aſſeſſed: they were empowered to receive debts, to the value of the ſums aſſeſſed; and, to facilitate the diſcovery of debts, had authority to compound with the debtors for the ſame. The military were authorized to ſearch for the refuſers, and to bring them before the committee of the houſe of Commons for examination, who had power given them to impriſon the refuſers in ſuch places of the kingdom, and for ſo long a ſpace of time as they ſhould appoint; with an injunction, that the families of the offenders ſhould no longer remain within the liberties of London and Weſtminſter. The ſeverity of this ordinance was made more intolerable by an exception in favor of the members of either houſe of parliament, who were only to be aſſeſſed by that houſe to which they belonged. No partizan of Liberty would have willingly ſubmitted to ſo tyrannical an exertion of power, on other conſideration than that of its being a temporary expedient, to meet with an open, apparent danger, threatening determined ſlavery: the exception, which was undoubtedly injurious, was carried in the Commons' houſe only by a majority of forty-three voices againſt forty. The King did not fail to repreſent to the people the illegality of theſe enormous acts of power, which the neceſſity of affairs, in a manner, obliged the parliament to exert; and farther declared, that he was ſo far from challenging ſuch a power himſelf, or from requiring a twentieth part of his ſubjects' eſtate, though for their own viſible preſervation, that, as he had already ſold or pawned his own jewels and coined his own plate, ſo he was willing to ſell all his own lands and houſes for their relief. Though it was impoſſible, at this time, for the King to ſucceed ſo far in perſuading the people that the public intereſt was connected to his private, as to enable him to exert ſo high an act of authority as the putting forth an ordinance for a general aſſeſſment; yet certain it is, that aſſeſſments regularly levied by military

force,

of the landed intereſt in his favor, and the proprietors engaged in military ſervice, his troops were in ſome Ann. 16[illegible].

force, in all the counties where the King's power prevailed, helped to ſupport his army: this, he pretended, was with the inhabitant's conſent, becauſe that having gained a few leading men of the county, they reſolved that ſuch a ſum ſhould be given; and this donation, from men who had no right in law or equity over the property of their fellow-countrymen, was called by the King the conſent of the inhabitants. Theſe aſſeſſments, Clarendon ſays, were all, by the power and intereſt of prince Rupert, aſſigned to the maintenance of the horſe. The expence of the ſeveral garriſons, and the whole body of foot, which amounted to three thouſand pounds weekly, and the King's private expences, were ſupported, all the winter, by voluntary contributions, out of the private and public purſe of the univerſity of Oxford, and the loan of other individuals, the King drawing conſiderable ſums from London, notwithſtanding the ſtrict watch kept by the parliament. It may be diſcovered, from the King's proclamation for the better governing his army, and againſt the plundering, ſpoiling, and robbing, which they were notoriouſly guilty of, that he aſſumed and exerted, on occaſions, a power equal to this exerted by the parliament. "We have thought fit to publiſh and declare (ſays the proclamation) our royal pleaſure to be, that from henceforth no officer, ſoldier of horſe or foot, or party ſent from our army, preſume to ſearch for or ſeize upon any money, plate, goods, or houſhold-ſtuff, belonging to any of our ſubjects, of what condition ſoever, without our expreſs warrant for the ſame, under our ſign manual, declaring the cauſe of ſuch ſeizure." In lord Fairfax's account of the condition of the northern parts, he tells the parliament, that the earl of Newcaſtle had ſeized upon Leeds, where he had plundered the well-affected, and raiſed a very great ſum of money out of thoſe that they could draw to compound for their ſecurities: that he proceeded in raiſing money, by all the illegal and oppreſſive ways that could be deviſed; and both by commiſſion of array, and by preſſes made in the churches, raiſed all the men he could. This account, with the cry of the whole kingdom, not immediately protected by the power of the parliament, againſt the plunder, rapines, and exactions committed by the King's army, ill agree with his accuſation of the parliament, and his profeſſions on this head, ſo obviouſly contradictory to his conduct, that one would imagine they were aſſertions

Ann. 1642. meaſure maintained at the expence of the officers *. Charles by his connections having a full intelligence of the difficulties his enemies had to ſtruggle with, reproached the parliament in bitter terms for their laſt meſſage: "They were yet governed, he ſaid, by a malignant party, of whom he had often complained. He upbraided them with the rebellious actions of the army which had been raiſed under pretence of orders of both houſes: he talked of it as an unpardonable inſolence to invite him to London whilſt their army continued there; but as he did not impute the affront to both his houſes of parliament, nor to the major part preſent in thoſe aſſemblies, ſo he would not, for his good ſubjects ſake, and out of the moſt tender ſenſe of their miſeries, take advantage of it: but if the parliament would really purſue the courſe they ſeemed by their petition at Colebrook to be inclined to, he ſhould make good all he

tions for after-times to rely on, rather than to ſerve a preſent purpoſe. It was only to the enemies of the parliament, that their aſſeſſments were arbitrary; their friends willingly aſſented to them, as voluntary contributions. The parliament defended their arbitrary aſſeſſments, on the urgent principles of ſelf defence, the depriving an enemy of the means to take from them that which is the moſt dear to generous minds, their Liberty; and it is certain, that, if the King did not challenge a power of aſſeſſment, he exerted it wherever it was in his power. *Parl. Hiſt.* vol. XII. p. 64, *& ſeq.* 111, *& ſeq.* *Ruſh.* vol. V. p. 67, *& ſeq.* *Clar. Hiſt.* vol. II. p. 67.

* The property of the King's troop of life-guards, compoſed of noblemen and gentlemen, were, according to Clarendon, at leaſt equal to that of all the Lords and Commons who remained at Weſtminſter. The upper houſe, at this time, was reduced to fifteen or ſixteen members; and the number that compoſed the lower houſe was infinitely inferior to the legal proportion.

then

then promiſed *. Before the receipt of this anſwer the parliament had been made acquainted with the deſigns and ſtrength of the party, by an intercepted letter from the Hague, directed to ſecretary Nicholas, and ſuppoſed to come from colonel Goring †. Beſides the diſcovery

Ann. 1642.

Strength of the royal party

* The King had never promiſed any particulars.

† It gave intelligence, that the defection of the navy would have given the King a dangerous blow, had it not been ſupported by the reputation of his ſucceſs at land, which had ſo raiſed his credit, that the prince of Orange had advanced all the ſums expected, viz. 40,000 l. already embarked: that a great buſineſs in agitation would, when concluded, bring 60,000 l. more: that 20,000 foot-arms, beſides garriſon-arms, near 2000 horſe-arms, and 20 pieces of cannon were ſent before the queen, who was to bring with her waggons, and all accommodations, to march with very conſiderable officers, among which were general King, deſigned for lieutenant-general: that 10,000 foot and 1500 horſe had been ſent from Denmark; and every thing proportionable, to the very drums and halberds, conveyed with two good men of war, bringing an ambaſſador to his Majeſty, a perſon of great quality in Denmark, of whom it was deſired, that care might be taken that he might be nobly treated; for the entire neglect of the laſt was ſo much reſented by the king of Denmark, that it had like to have fruſtrated all expectations in that court, had not Cockrain very handſomely evaded it: that the King's party in Holland had great apprehenſions, leſt he had entered farther into a treaty than they had been adverti ſed of, or could well approve: that they believed, according to their intelligence, that if the King had approached London, without making too long ſtay on the way, the matter would have been determined: that ſome of the King's horſe might be well ſpared, and ſent into Kent, to countenance a very affectionate and conſiderable party there: that, but for the unhappy interception of the laſt week's letters, the queen, with her party, would have been on the other ſide London, in Norfolk and Eſſex: that, in that caſe, having all the kingdom behind them, on every ſide, the King's army would have been better able to have ſubſiſted without the town, than they within: that, if they could once get foot, they ſhould collect the 400,000 l. ſubſidies univerſally throughout the kingdom; which would make the King's army ſubſiſt, and

Ann. 1642. of this foreign assistance, expected by the King, the forces his party had now collected were by no means

wear out the enemy's: that what was expected from Denmark and France were encouragements not to admit any treaties but upon terms of great advantage and honor to his Majesty.

Notwithstanding the King's solemn asseveration, that no extremity should ever tempt him to make use of foreign troops against his subjects; and his assertion, that no one could think him so mad as to attempt so dangerous an expedient as to make use of foreign force, he had actually sent Cockrain to demand assistance of men, money, arms, and ships, from the king of Denmark; with instructions to inform that monarch of the state of his affairs in England, which had rendered it difficult for him to apply to foreign treaty for suppressing the design of his rebellious subjects, lest it should bring scandal on him, and draw away universally the hearts of his people: that he had now great encouragement by the exceeding numbers of gentry that resorted to him: that the states of Holland had condescended to give her majesty the queen a convoy of the greatest part of their fleet, now at sea, for her return into England: that he expected and hoped, that his neighbour princes and allies would not look upon so dangerous a precedent to their own crowns and monarchies, without contributing to suppress the design of the rebels. Cockrain, to excite the king of Denmark to comply with the King's demand, was to inform him, that it had been publicly moved in the Commons' house, to interpose in the accommodation of the Dutch, and to set out a fleet to take away his customs of the Sound: that they had searched, visited, and detained divers of his ships, to the great prejudice of the Norway trade; and that they did prepare force against others, whom they permitted not to water, nor any other accommodation, being bound for the West-Indies, and put in by stress of weather into the West of England: they had attempted to lay a great blemish on his Danish majesty's family, endeavoring to illegitimate all derived from his sister; which their most detestable and scandalous design they had pursued, examining witnesses, and censuring circumstances and times, to colour their pretensions; and which as his sacred majesty of England, in the true sense of honor of his mother, did abhor and would punish, so he expected his Danish majesty's concurrence in vindicating a sister of such happy memory, and by whom so near an union, and continued league of amity and friendship, had been

despicable: the earl of Newcastle had associated the northern counties *; and with the Papists of those parts, of which his army was for the most part compoſed, had raiſed a body of eight thouſand men †: the earl of

Ann. 1642. Army of Papists and malignants, under the earl of Newcastle, infest the North.

been produced between the two kingdoms. Tho' it does not appear, that there was any real foundation for the aſſertion concerning the Daniſh traders; and it would have been a piece of ill policy in the parliament, to uſe ſuch unneceſſary ſeverity; nor for the ſecond aſſertion, concerning a formal enquiry into the conduct of the late queen Anne of Denmark; yet it is likely, that the people in general, to whom the licence of ſpeaking truth was now allowed, were free in their cenſures of the King's mother, whoſe want of chaſtity is hinted at by ſeveral authors, and many particulars mentioned by Sir Robert Peyton, a ſervant of James's court. There are likewiſe, in the Advocates Library at Edinburgh, anecdotes preſerved, which more than render dubious the conjugal fidelity of this princeſs.

Four hundred thouſand pounds had been granted this parliament, for the relief of Ireland, and the payment of the national debt, which had not yet been levied.

* The biſhopric of Durham, with the counties of Northumberland, Cumberland, and Weſtmoreland.

† In a declaration the two houſes of parliament had publiſhed the day before the battle, ſhewing, that the King had refuſed their petition for peace, and was ſo engaged to the popiſh party, that all hopes of peace were excluded, they aſſert, That though the King endeavored to keep off ſuſpicions, by fearful oaths and imprecations, concerning his purpoſe of maintaining the Proteſtant religion; and that great numbers of the Papiſts themſelves, by the encouragement of their prieſts, had in ſhew conformed themſelves; yet his majeſty being now grown ſtronger, and able, as he conceived, to make good his end by arms, his confidence in that party did fully appear: perſons impriſoned for prieſts and Jeſuits had been releaſed out of the jail of Lancaſter; profeſt Papiſts had been invited to take up arms; commiſſions, under his majeſty's authority, had been granted to many of them, for places of command in the war; [here the delaration mentions fourteen] that divers forces were raiſed and paid by the earl of Worceſter; that his ſon, the lord Herbert, was made general of all South-Wales;

Ann. 1642. Cumberland, whom Charles, by the desire of his friends in Yorkshire, had left in the principal command over that country, found himself strong enough to adventure the proclaiming the chief adherents of the parliament traitors *.

that Papists were armed and employed in the North of England, and advised and consulted with; that men had been sent to Hamburgh and Denmark, to raise forces there, and to bring them over to join with the earl of Newcastle, and the army of Papists which was intended to be raised in Newcastle; that the King had received in his court Papists convicted in Ireland of high-treason; and that Jesuits and priests in foreign parts had made great collections of money for the relief of the Papists in Ireland, and the farthering his majesty's designs against the parliament. The King, in two declarations, one of which he published before, and the other after the battle of Edg-hill, positively denied the truth of these assertions, grounding his denial of the release of the Jesuits out of Lancaster jail on the subterfuge, that they had not been yet convicted as such; but on what pretence he denied the other, is not so easily to be discerned. In his turn he accused the parliament of employing popish officers and soldiers, in great numbers; of using industry to corrupt their loyalty, even to the assuring them, that the penal laws in their disfavor should be repealed. The two houses treated with great contempt the King's accusation; and, to prove its absurdity, alledged those instances of severity they had shewn the Papists, publishing, at the same time, a list of popish officers, who had commissions under the King's hand, with a petition presented to him by the popish recusants of the county of Lancaster, whilst he was yet at Shrewsbury, for leave to provide arms for his service; and his answer, granting the request.

* This was returned in a severe declaration of the lord Fairfax's, which drew from the earl of Newcastle a justification at length, out of which are taken the following specimens of this nobleman's genius: "You charge me, says he, with having invaded the county of York; an insolent and presumptuous challenge! Can the King's forces be said to make an invasion in his own dominions? They that take the sword (without lawful calling) shall perish by the sword; and he that sheddeth man's blood, without a commission from the King of heaven, who only hath

THE lord Fairfax, had received a commiſſion to command the parliament's forces * in theſe parts; but Ann. 1642. Parliament forces under the lord Fairfax.

hath original power over the lives of his creatures (and no multitude of men in the world, collective or repreſentative) by man ſhall his blood be ſhed. The ſupreme magiſtrate is God's vicegerent, and beareth not the ſword in vain; but thoſe who preſume to uſe the ſword, and can derive no power from him, it were meet for them to make their account betimes with God, leſt they die in the ſtate of murderers, both of themſelves and others: my caſe is clear different from theirs; there may be treaſon againſt the King, there can be none againſt them; there may be forfeiture of eſtates to him, there can be none to them. The King may raiſe arms, and levy a juſt war; whatſoever they do, in that kind, is void, by the law of nations." In another vindication of himſelf, for employing popiſh recuſants, he cites the example of heathen emperors and Chriſtian potentates, who employed in their ſervice thoſe who were of different faith from themſelves; and ſays, the point is not of their religion, but whether they could be truſted in point of fidelity and allegiance? This language ſpeaks very plainly the principles of the party; but however convincing the arguments might be to the earl of Newcaſtle, they muſt have ſerved in the preſent juncture rather to rouſe and irritate, than to calm and allay the fears and jealouſies of the people. The parliament is again taxed by this nobleman with having great numbers of Papiſts in their army; but theſe were general accuſations, without any attempt at a proof; ſince neither the King, the earl of Newcaſtle, nor the earl of Clarendon, who has the ſame aſſertion in his hiſtory, name one ſingle Catholic employed by the parliament, who, on their ſide, produced liſts of popiſh officers in the King's ſervice, with their ſeveral qualities and employs. The Papiſts might rationally expect benefit from ſerving the King; but their principles, both civil and religious, were at this time ſo oppoſite to thoſe aſſerted by the parliament, that it is not probable they could have been prevailed on to fight for their authority. *Ruſhworth.*

* The parliament's party in Yorkſhire had been drawn into a convention of neutrality by the royaliſts, who having ſent away ſeveral regiments of horſe and foot to the King, wanted to ſecure themſelves from the excurſions of the garriſon at Hull and Pomfret caſtle. This convention, therefore, being obviouſly to the advantage of the enemy, was broken by the authority of parliament. According to Clarendon, if the

Ann. 1642. was too weak, to prevent the earl of Newcaſtle from forcing his way to York*: he was received there in great triumph, by Sir Thomas Glemham, whom Charles had appointed governor under the earl of Cumberland †; but, in an encounter at Tadcaſter, he was worſted by the lord Fairfax, whoſe valiant ſon, Sir Thomas Fairfax, attacked and ſtormed ſeveral places in the poſſeſſion of the royaliſts: among the chief of theſe was Leeds, which contained five hundred ſoldiers of the King's party. Sir Hugh Cholmley, another parliament commander, beat the enemy at Giſborough, whilſt the earl of Newcaſtle took Bradford by ſtorm. The parliament followed the example which had been ſet by the earl of Newcaſtle, and began to aſſociate thoſe counties where their party prevailed: thoſe moſt eminently affected to them were the midland ones ‡;

Encounter.

Counties aſſociated by the parliament.

the parliament had at firſt appointed a commander in chief, to unite their forces in this country; or, if the pride and jealouſy of Sir John Hotham had not prevented him from ſeconding and aſſiſting lord Fairfax, all Yorkſhire had been abſolutely ſubjected to their authority.

* The ſouthern parts of Yorkſhire were for the King; the northern parts, to the borders of Scotland, for the parliament.

† On the earl of Newcaſtle's arrival in Yorkſhire, with three thouſand foot and ſeven hundred horſe, the earl of Cumberland reſigned to him the command; and King, who, with Goring, was come over from Holland, was appointed lieutenant-general of his army, and Goring general of the horſe. The parliament complained that the King, in his commiſſion to govern the northern counties, affected to erect a provincial government in the North, clearly againſt the common law, and the judgment given in parliament for the taking away the court of York. *Clar. Hiſt.* vol. II. p. 108. *Parl. Hiſt.* vol XI. p. 391.

‡ Norfolk, Suffolk, Cambridge and Ely were aſſociated under the lord Grey of Werk. *Whitlock*, p. 63.

they

they had smarted most for prosecutions for ship-money; Ann. 1642.
and, by their nearer neighborhood to the capital, had been more under the lash of the star-chamber, and council-board tyranny, than the remoter parts of the kingdom, such as Wales, Cornwall, Lancashire, Cheshire, and Cumberland; places much infested with Papists, and where property being very unequally divided, the nobility and gentry of large fortunes, who were most of them tainted with arbitrary principles, civil and ecclesiastic, had great weight. In these counties the greater part of the inhabitants, except the traders, declared for the King*. Nantwich in Cheshire and Manchester in Lancashire, two great mercantile towns, asserted the authority of parliament †. Nor-

* In the midland counties, the King, by the injudicious conduct of the lord Say, had preserved to himself Oxford; and the earl of Essex's want of spirit and activity occasioned Banbury and Reading to fall into his hands: he garrisoned these towns, with Wallingford, a place of importance within eight miles of Oxford, and Brill on the edge of Buckinghamshire; and thus commanded all Oxfordshire entire, and a great part of Berkshire, Brill and Banbury giving him some influence on Buckinghamshire and Northamptonshire. After his return to Oxford, his troops took Marlborough in Wiltshire, within twenty miles of Oxford, a town well affected to the parliament, and lately garrisoned; and which making a brave defence, was almost all burnt in the action; it afforded great pillage to the enemy, who indiscriminately plundered friends and foes. *Clar. Hist.* vol. II. p. 63, *& seq.*

† These advantages proceeded from the inactivity of the earl of Derby, to whom the King had given a commission to command in these two counties, but without leaving other force than his interest and authority; "For, says Clarendon, as a great part of Lancashire consisted of Papists, it was confidently believed that there was not one man of ten, throughout the county, who meant not to be dutiful and loyal to the King." The same author tells us, that so hard was the King's condition, that though he knew his small success in Lancashire proceeded from

Ann. 1642. thampton, in Northamptonſhire; and Coventry, and Killingworth, in Warwicſhire, were garriſoned by the two houſes; the lord Grey, ſon to the earl of Stamford, was maſter of Leiceſter *; Sir John Gell fortified Derby againſt the King; and the ſhires of Derby, Stafford, and Leiceſter, joined in an aſſociation, under the lord Brook, one of the greateſt partizans of Liberty this generous age produced.

NOTWITHSTANDING theſe advantages, the cauſe of Freedom was, in this hoſtile controverſy, in too dangerous a ſtate for the parliament not to deſire a peace on any terms that could give a rational ſecurity for the preſervation of the conſtitution, as improved and explained by the acts which had paſſed this ſeſſions. Torn by factions among themſelves, and dreading the improvement of the King's force by the arrival of the queen, who was daily expected with a large ſupply of money, arms, and ammunition, the two houſes, according to the King's invitation from Reading, made another application to him for peace. The lord-mayor, aldermen, and common-council of London had joined

Applications to the King for peace.

from the want of conduct, and a vigorous and expert commander, yet he thought it not ſafe to make any alteration, leſt the earl ſhould manifeſt what he could do againſt him, though he could do little for him: however, the lord Capel being ſent with a commiſſion of lieutenant-general over Shropſhire, Cheſhire, and North-Wales, which had joined in an aſſociation for the King, the parliament's friends were prevented from ſending aſſiſtance to the lord Fairfax. *Clarendon's Hiſtory*, vol. II. p. 112, *& ſeq.*

* The lord Grey received ſome oppoſition in Leiceſterſhire from colonel Haſtings, younger ſon to the earl of Huntingdon. *Clar. Hiſt.* vol. II. p. 113.

in

in a petition, to invite the King back to the parliament; Ann. 1642.
but as the desire of the city, expressed in this petition, was, that Charles should not come as a conqueror, at the head of a rapacious insolent army, but that disuniting himself from those who wished ill to the peace and liberty of the country, he should put himself on the affections of the parliament and city, it was rejected with a higher degree of haughtiness and disdain than had been a petition of the like nature from the parliament*. After a general profession, that he never entertained any misapprehension of the loyalty of the city of London, he represented all the irregular acts which provocation, policy, and necessity, had occasioned in this metropolis, as outrages of so tremendous a nature, that they called down the immediate vengeance of God, unless the city would purge itself of guilt, by delivering up to him their pretended lord-mayor †, and other leaders, who he had particularly marked as traitors in his proclamations ‡; he graciously offered pardon to the rest, and to give them the honor of his presence, when they

* A petition of a different nature from this was, by the King's party in the city, presented to the upper house for a peace: the Commons had rejected it, as having been procured by undue means; and the lord-mayor, aldermen, and common-council protested against it. "They had, they said, damned it by a public act, and did desire, that when hereafter any petition came to parliament, in the name of the city of London, and was not attested by the hand of the town-clerk, it might be rejected, and not esteemed as a petition from the city. *Parl. Hist.* vol. XII. p. 103.

† The King denies that Pennington was a legal magistrate.

‡ Ven, Foulke, and Manwaring.

Ann. 1642. ſhould put themſelves in a proper poſture to receive him, with a warning, that whoſoever ſhould henceforward contribute, by the payment of tonnage and poundage, or any other tax, on what pretence of authority ſoever, to the maintenance of the army under the command of the earl of Eſſex, muſt expect the ſevereſt puniſhment the law could inflict; and, in the mean time, that his majeſty would ſeize upon any part of his eſtate within his power; and, ſince he denied to his majeſty the duty and benefit of his ſubjection, his majeſty would deny to him the benefit of his protection; and ſhould ſignify to his foreign miniſters, that ſuch perſon ſhould receive no advantage from being his ſubject. On the rhetoric of this anſwer, ſo entirely in the ſtyle of a conqueror, to a city powerful like London, and fruitful of reſources, did Charles ſo much depend, that when he delivered it to that committee of aldermen who preſented him the petition, he told them, it was his expreſs command, that it ſhould be read publicly at a common-hall, and before the people*. The lord-mayor did not heſitate to obey, in this particular, the royal injunction, having obtained the conſent of both houſes, who appointed a committee of Lords and Commons to be preſent when the King's an-

Ruſhworth, vol. V. p. 113.

* The King was ſo earneſt on this point, that, leſt his anſwer ſhould be ſuppreſſed by the committee, he ſent it by one captain Heron, whoſe father, Sir Edward Heron, high-ſheriff of Lincolnſhire, having been voted a delinquent, for executing the commiſſion of array, the young man ſhewed a great unwillingneſs to render himſelf noxious to the party, and refuſed, till he was much preſſed by the lord mayor and the committee, to read the King's anſwer, intimating, that his commiſſion was only to deliver his letter to the lord-mayor. *Parl. Hiſt.* vol. XII. p. 122, *& ſeq.*

ſwer was read, in a full aſſembly of people. Mr. Pym, Ann. 1642.
by direction of parliament, in a long ſpeech acknowleged the generous, magnanimous conduct of the city, and their ſteady adherence to the principles of Liberty: he avowed, that all thoſe actions with which they had been reproached by the King, had been done in obedience to the commands of parliament: he vindicated thoſe commands, and ſhewed, that the King's anſwer was a libel, ſtuffed with ſcandalous, injurious aſſertions on the two reſpectable bodies of parliament and city *: On the threatening part of the anſwer, he ſaid, that the danger ariſing from thoſe ill councils that influenced the King, could not be kept off but by the power of arms; and that the Lords and Commons were

* On the King's aſſertion, That he was driven by tumults out of the city, Mr. Pym remembered the company of the King's going the day after his attempt to ſeize the members into the city, without a guard; and his reſiding divers days at White-hall, Hampton-Court, and Windſor, without any attempt which could give him apprehenſion of fear: On his accuſing the two houſes of deſtroying the property of the ſubject, by taking away the twentieth part by an arbitrary power, Mr. Pym obſerved, that there was little reaſon for this objection, on his majeſty's behalf, when it was well known, that from the ſubjects that were within the power of his army, he did take the full yearly value of their lands, and in ſome caſes more; that not only particular houſes, but whole towns, had been plundered by command and deſign; and that by proclamations men were declared to forfeit all their eſtates, becauſe they would not obey arbitrary commands: To the King's declaration, that he expected to be kept from tumults and affronts, Mr. Pym obſerved, that his majeſty's expreſſions, in his anſwer, tending to the making a diviſion in the city, and to the raiſing a party, which might make diſturbances in the orderly government now eſtabliſhed in it, would be more prejudicial to his quiet abode in London than any thing that had ever been acted by the houſes of parliament, or the preſent governors of the city.

Ann. 1642. ſo far from being frighted by his menaces, that they had declared a farther contribution towards the maintenance of the army; and hoped for the continuance of the good affections of the city; and that they would add, to what they had already done, ſome farther contributions towards the ſupport of thoſe forces maintained for their ſafety.

THE ſevere and ſpirited animadverſions which fell from Mr. Pym, were received with ſo general an applauſe, followed by a chearful declaration, that the citizens would live and die with the two houſes of parliament *, that the King, who expected that his party in London would have been enabled to exert themſelves powerfully on the occaſion, full of rage and diſappointment, ſent an angry declaration to the ſheriffs of London, in which he required the maſter and wardens of the

* Clarendon, contrary to the ſenſe of a previous obſervation, that the humors of the people, when obſtructed, break out with the greater violence, ſuppoſes this not to be the effect of inclination, but reſtraint. In the printed account of this buſineſs it is ſaid, that after the King's anſwer had been read once on the Huſtings, and then in the Clock-houſe, an inconſiderable company, near the door, made ſome offers towards an acclamation; but finding no expected eccho to anſwer their ſhout, they wound up in a little modeſty and a great deal of ſilence: That, at the end of every period of Mr. Pym's ſpeech, the applauſe was ſo great, that he was fain to reſt 'till ſilence was again made; and when, at the cloſe of his ſpeech, he deſired the citizens to declare, that they would protect thoſe of their members who had been demanded by the King, theſe words were no ſooner uttered than followed a loud and continual acclamation, which reſolved itſelf into the more articulate and diſtinct ſound, "We will live and die with them; we will live and die with them." *Parl. Hiſt.* vol. XII. p. 127, *& ſeq. Clar. Hiſt.* vol. II. p. 83, 89.

ſeveral

ſeveral companies to ſummon their members, and to read, in their ſeveral halls, his fore-mentioned anſwer and this declaration, in which he tells the citizens not to look upon Iſaac Pennington as their lord-mayor, and directs the ſheriffs to commit him, with the aldermen Ven, Foulke, Manwaring, to ſafe cuſtody. As the King thus endeavored to excite the people to riſe againſt their magiſtrates, and to produce a ſcene of confuſion which ſhould facilitate his triumphant entry, the parliament, fearing the ſtrength and activity of his party, commanded the ſheriffs not to aſſemble at their halls, according to the King's order; and as he had declared to the committee of aldermen, that he would ſend meſſengers to obſerve the carriage of the city, and, by private agents ſent to London, kept a conſtant correſpondence with his party, the two houſes made a declaration, that all perſons coming from the King's quarters to London, without a ſafe-conduct, ſhould be treated as ſpies. At the ſame time an order paſſed, that no carriers or waggoners ſhould be permitted to go to Oxford, or elſe-where, without ſpecial licence from the parliament. Ann. 1642.

THOUGH the King's late conduct carried ſymptoms little favorable to the ſucceſs of the determined application, yet the two houſes wrote to the King for a ſafe-conduct for commiſſioners they had appointed to carry to him propoſitions of peace: and, when a ſafe-conduct was peremptorily refuſed to the lord Say, one of the nominated commiſſioners, on the ſame pretence on which Sir John Evelyn had been before refuſed, ſo ſtrong was the party in parliament for a treaty, that, ſacri-

Ann. 1642. facrificing the moſt important punctilios * to an ardent deſire of peace, the two houſes, on the King's objection, ſubmitted to nominate the earl of Pembroke, in the room of the lord Say †. In the propoſitions now offered to the King, the parliament had abated of the rigor of their former demands, inſiſting upon nothing that was not, in the preſent ſituation of things, neceſſary to the preſervation of the conſtitution ‡, excepting

* Punctilios of ſuch obvious conſequence, that, had the parliament abided by the reſolution of not admitting the King's objection, and on this particular admittance had been refuſed to their commiſſioners, the public muſt have been convinced of the King's ill intention.

† The commiſſioners that carried the propoſitions for peace were the earls of Northumberland, Pembroke, Saliſbury, and Holland; the viſcounts Wenman and Dungarvan; Sir John Holland, Sir William Litton, Pierpoint, Whitlock, Waller, and Winwood. Lord Say, after the example of Sir John Evelyn, had deſired that the Lords would diſpenſe with his ſervice as commiſſioner, that the treaty might not be interrupted. The Lords conceiving, as they ſaid, that the precedent trenched on the eſſential proceeding of parliament, left it freely to lord Say, either to go or ſtay, as he ſhould think proper. *Parl. Hiſt.* vol. XII. p. 187.

‡ It is difficult to determine what terms, in the preſent ſituation of affairs, could have ſecured the freedom of the conſtitution, or reſcued it from being totally deſtroyed by a faction naturally attached to the moſt noxious prerogatives of the crown, and now, by the oppoſition they had met with, rendered acrimonious againſt popular powers. If this faction had upon a treaty regained their legiſlative privilege, a majority of parliament would have been formed for the King, which, in all probability, would not only have re-inſtated him, but ſtrengthened his former prerogatives, to prevent, for the future, their being invaded by popular powers. A ſentiment of this kind was flung out by the King himſelf to the parliament's commiſſioners for a treaty: If he had as much inclination, as he had more right to fears and jealouſies than the parliament, he might with more reaſon, he ſaid, have inſiſted on

that epiſcopacy ſhould be utterly aboliſhed, and that ecclesiaſtical controverſies ſhould be determined by their aſſembly of divines *. Ann. 1642.

on an addition of power, as a ſecurity to enable him to keep his forts when he had them, ſince it appeared it was not ſo great, but that they had been able to take them from him, than they to make any difficulty to reſtore them to him, in the ſame caſe they were before. *Clar. Hiſt.* vol. II. p. 171.

* In the preamble to the propoſitions, the parliament declare their fears and dangers continued and increaſed, by the raiſing, drawing together and arming great numbers of Papiſts, under the command of the earl of Newcaſtle; likewiſe by the making the lord Herbert of Ragland, and other known Papiſts, the commanders of great forces, whereby many grievous oppreſſions, rapines, and cruelties, had been and were daily exerciſed on the eſtates and properties of the ſubject. The propoſitions were as follow:

That the armies, on both ſides, be diſbanded; and the King return to the parliament.

That delinquents be left to a legal trial, and judgment of parliament.

That Papiſts be diſarmed.

That the royal aſſent be given to the following bills:

For taking away ſuperſtitious innovations.

For the utter aboliſhing and taking away of archbiſhops, biſhops, deans, &c.

Againſt ſcandalous miniſters, againſt pluralities.

For conſultation to be had with godly, religious, and learned divines; and that his majeſty be pleaſed to promiſe to paſs ſuch other bills for the ſettling the church-government as, upon conſultation with the aſſembly of the ſaid divines, ſhall be reſolved by both houſes of parliament.

That an oath may be eſtabliſhed, by act of parliament, for the better and ſpeedier conviction of recuſants; and that his majeſty be pleaſed to conſent to,

I. A bill for the education of the children of Papiſts by Proteſtants.

II. To a bill for the true levying of the penalties againſt recuſants; and that the penalties be levied in ſuch manner as both houſes of parliament ſhall agree on.

III. To

Ann. 1642. WHETHER the eager deſire of peace which poſſeſſed the major part of the parliament, and particularly the

III. To a bill, whereby the practice of Papiſts againſt the ſtate may be prevented.

That the earl of Briſtol, and the lord Herbert, be removed from his majeſty's council and court; and that they may not bear office or employment concerning the ſtate and commonwealth.

That the militia be ſettled in ſuch a manner as ſhall be agreed on by both houſes.

That ſuch perſons as have been put out of the commiſſion of peace, Oyer and Terminer, or from being Cuſtodes Rotulorum, ſince the firſt day of April, 1642, other than ſuch as were put out by deſire of parliament, may be reſtored; and ſuch perſons put out of thoſe commiſſions and offices as ſhall be excepted againſt by both houſes of parliament.

That a bill be paſſed, to vindicate and ſecure the privileges of parliament from the ill conſequence of the late precedent, in the proceedings againſt the lord Kimbolton and the five members of the Commons' houſe.

That the royal aſſent be given unto ſuch acts as ſhall be adviſed by both houſes of parliament, for the ſatisfying the debts and damages whereby they have engaged the public faith of the kingdom.

That a ſtrict alliance be entered into with the ſtates of the United Provinces, and other ſtates of the Proteſtant religion.

That all offences committed before the tenth of January, 1641, which have or ſhall be queſtioned in parliament before the tenth of January, 1643, ſhall be excepted out of the general pardon; which offences ſhall nevertheleſs be taken and adjudged to be fully diſcharged, againſt all inferior courts: That there ſhall be an exception of offences committed by any perſons which have had an hand in the Iriſh rebellion; and an exception of William earl of Newcaſtle, and George lord Digby.

That his majeſty be pleaſed to reſtore ſuch members of parliament which have been put out of place ſince the beginning of parliament, that they may receive ſatisfaction and reparation for thoſe places; and that all others may be reſtored to their offices and employments, who have been put out of the ſame, upon any diſpleaſure conceived againſt them,

upper houſe, had deceived them into an opinion that Charles was ſincere when he profeſſed an inclination Ann. 1642.

them, for obeying the commands of parliament, or for any occaſion ariſing from the difference betwixt his majeſty and the parliament.

That your majeſty be pleaſed to appoint Sir John Brampſton chief-juſtice of your court of King's-Bench, William Lenthall, Eſq; maſter of the Rolls, Mr. Serjeant Wild chief-baron of your court of Exchequer, Mr. Serjeant Rolle and Atkins juſtices of the King's-Bench, Mr. Serjeant Pheaſant one of the juſtices of your court of Common-Pleas, Mr. Serjeant Creſwell, Brown, and Paleſton, barons of the Exchequer; and that the lord-chief-juſtice Banks, Mr. Juſtice Bacon, Reeves, Foſter, be continued in their offices; and that all the judges of the ſeveral courts hold their places *quamdiu ſe bene geſſerint*.

Brampſton, on the preſence that he ſtood bound by recognizance to attend the parliament, on an accuſation againſt him, having excuſed himſelf from ſitting on a commiſſion of Oyer and Terminer to attaint the earl of Eſſex, and others, of high-treaſon, had been removed from his office, and Heath appointed chief juſtice in his ſtead; but, that the ſupple Banks, that infamous tool of power, who had aſſerted ſuch treaſonable arguments againſt the privilege of the people, in defence of the right of the crown to taxation, ſhould be in the liſt of the judges to be continued, does little honor to the parliament. On the conſideration of the propoſitions of peace to be ſent to the King, a vote having paſſed the upper houſe, that thoſe only who had been impeached before the firſt of January laſt, ſhould be proceeded againſt in parliament, the peers Warwic, Peterborough, Manchefter, Say and Seal, Wharton, Bolinbroke, Willoughby of Parham, Brook, and Grey de Werk, for the following reaſons entered their proteſts: "Becauſe we conceive it improper for this houſe to move the houſe of Commons, in the ſtopping of their proceedings by impeachments; and that it doth not only give encouragement to a king to attempt the like ſtoppage of juſtice by force, and from this precedent to ſtand upon the protecting of perſons impeached, but to ſubjects alſo, who may be induced to undertake any thing, in hope of impunity, even from the deſires of this houſe, which hath not demanded any one of thoſe to be left to trial, who, ſince his majeſty's going to York, have been impeached of high-treaſon, for actual levying war againſt the King and kingdom." *Parl. Hiſt.* vol. XII. p. 103, *& ſeq.* 147, *& ſeq.*

Ann. 1642. to close the scene of blood; or whether they had a meaner opinion of the strength of his party than was entertained at the councils at Oxford; or whether this negociation was only set on foot, to convince their party, that there was a necessity to supply the expence of the war in a manner they might enable them to prosecute it with more vigor when the said negociation was carried on; or whether the popular leaders gave way to the importunities of those who clamored for a treaty on purpose to expose to the people the insincerity of the King's professions *; whether any of these motives,

* What were the intentions of the king and his party, may be discovered from his answer to the propositions of the parliament for a treaty of peace. "If we desired a king, said he, to the pride of his subjects; or the regal power, the support of the laws of slavery, and the duty of subjects, the obedience of servants; and the duty of subjects, the obedience of servants; and the duty of servants, the obedience of slaves; and the duty of slaves, the obedience of beasts; and the duty of beasts, the obedience of stones; and the duty of stones, the obedience of nothing; and the duty of nothing, the obedience of nothing; and the duty of nothing, the obedience of nothing; and the duty of nothing

or all of them together, co-operated to produce the present negociation, cannot be determined: certain it is, Ann. 1642.

[illegible] on, an army that by force can compel that which fair words cannot effect." The earl of Dorset, it is said, in a speech in which he reprimanded the earl of Briſtol for recommending the Spaniſh government as an example to be followed in England, urged the advantages of peace, and a ſpeedy accommodation with the parliament; but there were many of the king's counſellors, and thoſe about his perſon, whoſe opinions and inclinations were as malignant as the earl of Briſtol: theſe had devoured, in their expectations, the eſtates and properties of the party in oppoſition, as the juſt reward of their attachment to the crown; and breathing the ſentiments and inclinations of Charles, were the perſons the moſt truſted, and the moſt conſulted by him, in all his tranſactions with the parliament. Among the chief of theſe was Mr. Hyde, afterwards earl of Clarendon, a great favourite of the King's, in whoſe conduct may be traced the ſame inclinations as poſſeſſed the earl of Briſtol, and whoſe writings are full of the ſame doctrine as is contained in his ſpeech: this nobleman is conſequently characterized by Clarendon, as a man of parts and wiſdom. Whitlock, one of the parliament commiſſioners, ſays, that after they had debated ſome points of the treaty with the King till midnight, and had, at length, come to a concluſion, he would the next morning tell them he had altered his mind, and that the paper he now gave them was the anſwer he was reſolved to make on their laſt debate. Whitlock ſays, there were of his party, of whom they enquired concerning this paſſage, who told them, that after the commiſſioners and the King's council were gone from him, ſome of his bed-chamber, and they went higher, (the princes Rupert and Maurice) hearing from him what anſwer he had promiſed, and doubting it would tend to ſuch an iſſue of the treaty as they did not wiſh, they being maſter for the continuance of the war, never left preſſing him, till they had perſuaded him to change his former reſolution, and to give order for his anſwer to be drawn as it was received. The King's council who attended him at this time at Oxford, were the lord Littleton, the duke of Richmond, the marquis of Hertford, the earls of Southampton, Dorſet, Leiceſter, Briſtol, Newcaſtle, Berkſhire, the lords Dunſmore, Seymour, Saville, Falkland, Sir John Colepeper, Sir John Banks, ſecretary Nicholas, and Hyde, lately appointed chancellor of the exchequer. *Ruſh. Clar. Hiſt. Whitlock.*

Ann. 1642. that thoſe who built any hopes on the ſucceſs of it, were very much diſappointed; for the King ſtiffly inſiſted on the re-eſtabliſhment of the Crown in all its powers and prerogatives. After magnifying his grace and condeſcenſion in admitting of a treaty on the parliament's propoſitions, he agreed, that theſe, with the following ones, ſhould be together diſcuſſed by perſons appointed for this purpoſe by himſelf and the two houſes: That his majeſty's own revenue, magazines, towns, forts, and ſhips, which have been taken from him by force, be forthwith reſtored: That whatſoever hath been done, or publiſhed, contrary to the known laws of the land, or derogatory to his majeſty's legal and known power, be renounced and recalled, that no ſeed may remain for the like to ſpring out for the future: That whatſoever illegal power hath been claimed and exerciſed by or over his ſubjects by the authority of both, or either houſes of parliament, be diſclaimed; and all ſuch perſons ſo committed be forthwith diſcharged: That as his majeſty will readily conſent (having done ſo heretofore) to the execution of all laws already made, and to any good acts to be made, for the ſuppreſſing of Popery, and for the firm ſettling of the Proteſtant religion, now eſtabliſhed by law; ſo he deſires that a good bill may be framed, for the better preſerving the book of Common-prayer from the ſcorn and violence of Browniſts, Anabaptiſts, and other ſectaries, with ſuch clauſes for the care of tender conſciences as his majeſty hath formerly offered *: That

* The King had never made any offer of this kind but in general terms.

all

all such persons as, upon the treaty, shall be excepted out of the general pardon, shall be tried *per pares*, according to the usual course and known laws of the land: And, to the intent that this treaty may not suffer interruption by any intervening accident, that a cessation of arms and free trade for all his majesty's subjects may be first agreed on. Haughty as were the style of these propositions, yet the two houses condescended to appoint commissioners to treat with the King, on the joint propositions; with an assent to a cessation, under certain limitations and restrictions, necessary to prevent the ruin of their affairs. After much controversy on both sides, in which Charles endeavored to outwit the commissioners *, he sent a message to the

Ann. 1642.

Fruitless treaty at Oxford.

* The King having again excepted against the lord Say, the commissioners sent to treat of the joint propositions for peace, and the articles of cessation, were the earl of Northumberland, Mr. Pierpoint, Sir William Armyn, Sir John Holland, and Mr. Whitlock; but the two houses not being entirely satisfied concerning the integrity and ability of their commissioners, strictly tied them up to the words of their propositions, without allowing them to dissent in any particular. Thirteen days having been spent in useless controversy concerning the articles of cessation, the two houses, in the following reasons for rejecting the addition made to their articles, gave the King to understand, that they saw plainly he endeavored, by amusing them with the hopes of peace, to draw them into concessions, on which he might prosecute the war with superior advantages. "If we should grant such a free trade as your majesty desires, say they, it would be very difficult, if not impossible, to keep arms and ammunition, money and bullion, from passing into your majesty's army. As liberty in trade, in the utmost extent that can be safely granted, is permitted by the two houses in time of war, your majesty, in pressing this for the people's good, doth therein desire that which will be very little beneficial to the subject, but exceedingly advantageous to your majesty, in supplying your army with many necessaries, making your quarters a staple for such commodities as

Ann. 1642. following purport, to the parliament: That as soon as they had satisfied him in his first proposition, concern-

as may be vested in the adjacent counties, and thus enable the inhabitants better to support by loans and contributions your army; whilst the army raised by the Lords and Commons can have no return of commodities and supplies which may be useful for them. They conceive, that in a treaty for a cessation, those demands cannot be thought reasonable which are not indifferent, that is, equally advantageous to both parties. As they have given no interruption to the trade of the kingdom but in relation to the supply of the contrary army, which the reason of war requires, so they beseech your majesty to consider, whether your soldiers have not robbed the carriers in several parts, where there hath been such reason, and your ships taken many ships, to the great damage not only of the merchants, but the whole kingdom; and whether your majesty hath not endeavored, by your ministers of state, to embark the merchants goods in foreign ports, which hath been in some measure executed upon the eastland merchants in Denmark; and is a course which will diminish the wealth of the kingdom, violate the law of nations, make other princes arbiters of the difference between your majesty and your people, break the intercourse between this and other states, and bring us into dissensions with all the neighbor nations.

"To demand the approving of the commanders of ships, is to define the strength of the opponent, before the difference be ended, against all rules of treaty; and to make a cessation at sea would leave the kingdom naked to those foreign forces, and open for such supplies of arms and ammunition, which the parliament have cause to believe have been solicited against them; but for conveying of forces from one part to another, they shall observe the articles of cessation by which that is restrained.

"As for the expressions of 'The army raised by the parliament,' they are contented it should be altered thus, 'Raised by both houses of parliament,' as not desiring to differ upon words; but to give any conclusive power, in this case, to the committee, upon such differences as may arise wherein the houses have given no express direction, is neither safe for the committee to undertake, nor fit for the two houses to grant.

"It must be acknowleged, that the nature of war is incompatible with the ordinary rules of a peaceable government: your majesty would have them commit none but according to the known laws of the land; whereby

ing his revenue, magazines, ships, and forts; reſtored Ann. 1642.
all the members of both houſes to the ſame capacity

whereby they conceive your majeſty underſtands, by the ordinary proceſs of law; which being granted, it will follow, that no man muſt be committed by them for ſupplying your majeſty with arms, powder, and ammunition, for, by the law of the land, the ſubject may carry ſuch goods from London, or any other place, to Oxford. The ſoldiers muſt not be committed, if they run from their colors, and refuſe any duty in the army. No man muſt be committed for not ſubmitting to neceſſary ſupplies of money. It cannot be thought reaſonable, that, under the diſguiſe of a ceſſation, they ſhould admit that which will neceſſarily produce the diſſolving their army, and deſtruction of their cauſe.

"It ſeems not probable, that your majeſty doth intend that if any be taken with ſupplies for our army, or mutinying in your own, ſuch perſons ſhall not be committed, but according to the known laws of the land; that is, by proceſs of law; but rather, that your majeſty will ſo interpret this limitation of known laws, that though it lays ſtreight bonds upon both houſes, yet it leaves your generals as much at liberty as before: for it hath been denied by your majeſty, that theſe known laws give any power to the two houſes of parliament to raiſe arms; and ſo conſequently their generals cannot exerciſe martial law, in theſe caſes; and it is not unlikely, but that it will be affirmed, that the generals conſtituted by your majeſty's commiſſion have that power by the ſame known laws; ſo that this article, under the ſpecious ſhew of liberty, would altogether diſable them to defend their liberties and laws, and would produce to your majeſty an abſolute victory and ſubmiſſion, under pretence of a ceſſation and a treaty.

"Being by neceſſity inevitably enforced to a defenſive war, in this unhappy breach between your majeſty and them; and that they are therein warranted by the laws of God and man; it muſt needs follow, that by the ſame laws they are enabled to raiſe means to ſupport that war; and therefore, till it ſhall pleaſe God to incline your majeſty to afford them ſuch a peace as may ſecure them, they cannot relinquiſh the power of laying taxes upon thoſe who ought to join with them in that defence: but if your majeſty ſhall conſent to diſband the armies, the cauſe of the war being taken away, the conſequences will likewiſe be removed, and the ſubjects reſtored to the benefit of thoſe laws, which the neceſſity of arms hath in ſuch caſes ſuſpended.

"The

Ann. 1642. of ſitting and voting in parliament, as they had the firſt of January 1641; and adjourned the parliament

"The clauſe in the third article, left out, implied a freedom of paſſage and communication of quarters; which is contrary to the nature of a ceſſation, whereby matters ſhould be preſerved in the ſtate they are, and neither party have liberty ſo much to advantage himſelf, as it is evident your majeſty might do, if your forces in the North and Weſt might join with thoſe of Oxford, and bring thither thoſe ſupplies of treaſure and arms which were brought out of Holland; or at leaſt it ſhould be ſo indifferent, as to give a proportionable advantage of the other ſide, which this does not; for the forces under the power of both houſes are ſo diſpoſed, that they have an eaſy paſſage from one to the other: but your majeſty's forces are ſevered the one from the other, by many large counties, ſtrong paſſes, and competent armies; and if they had admitted this clauſe, they had bereaved themſelves of one of the greateſt advantages, and freed your majeſty's party of one of the greateſt inconveniences which your majeſty or they have in the war.

"For the reaſons already alledged, they cannot agree with the alterations and enlargements of the ceſſation propounded, or to transfer any ſuch power to the committees, of treating, debating, and agreeing upon thoſe articles, in any other manner than the houſes have directed; but that a fair and ſpeedy paſſage may be opened to a ſecure and happy peace, they have enabled their committees to hear and debate upon the two propoſitions concerning your majeſty's own revenue, the delivery of your towns, caſtles, magazines, and ſhips, and the diſbanding the armies; which being agreed upon, a preſent peace and ſecurity will follow, and the treaty upon the other propoſition be facilitated without fear of interruption by the confuſion of war, or exaſperation of either party, by the bloody effects thereof."

As theſe arguments were too forcible not to have weight with the people, the King, fearing that a total refuſal of the ceſſation, as propoſed by the parliament, would render him odious to the people, offered to accept their conditions, provided he might not be underſtood, he ſaid, to conſent to any of thoſe unjuſt and illegal powers which they exerciſed over his ſubjects: but from henceforward the houſes declined any farther argument and debate concerning the ceſſation, and directed their committee to expedite the treaty upon the propoſitions.

It

to ſome other place, at leaſt twenty miles from London; Ann. 1642.
his majeſty would then moſt chearfully and readily conſent that both armies be immediately diſbanded, and give a preſent meeting to both his houſes of parliament; he being confident that, upon a free debate in a full and peaceable convention of parliament, ſuch proviſions will be made againſt ſeditious preaching and printing againſt his majeſty, and the eſtabliſhed laws; ſuch care taken concerning his legal and known rights, and the property and liberty of the ſubject; that whatſoever hath been done by any illegal authority of both houſes, and particularly the power to raiſe arms without his majeſty's conſent, will be in ſuch a manner recalled, diſclaimed, and provided againſt, that no ſeed will remain for the like to ſpring out of it for

It is plain the King only aſſented to a treaty with a view to enſnare the two houſes into a conceſſion which ſhould put his military affairs in a better poſture, and to endeavor to perſuade the people that he was not averſe to peace on reaſonable conditions; but with a determination not to recede from thoſe terms which he knew would enable him to give the law for the future. It muſt be owned, that in theſe futile arts, calculated to deceive the vulgar, Charles was a great maſter; but having to do with adverſaries well acquainted with his character and deſigns, and fully equal to the taſk they had undertaken, he but entangled himſelf in his cobweb ſnares, and convinced the parliament, that thoſe conditions muſt be rigorous indeed, with which, with ſafety to the Commonwealth, they could reſtore ſo intriguing a ſpirit to the exerciſe of royalty. Clarendon ſays, that though there was a party at Oxford for a ceſſation, yet moſt of the King's counſellors, and many perſons who had given great life to his affairs, were abſolutely againſt it; and the conſideration of the northern forces, and the reſtraining them within their old quarters who ſeemed to be in a condition of marching up to London itſelf, prevailed very far with the King. *Ruſhworth. Clarendon's Hiſtory.*

Ann. 1642. the future, to disturb the peace of the kingdom. The King promises, in such a convention, to consent to whatsoever should be proposed by bill for the real good of his subjects, and particularly for the better discovery and speedier conviction of recusants, for the education of the children of Papists by Protestants, for the prevention of practices of Papists against the state, and the due execution of the laws and true levying of the penalties against them *. Whether he thought his

* The King himself thought these conditions as beneficial to his schemes as a carte blanch, and that the convention required would be the mere engine of his pleasure, and lay a more solid foundation for legal despotism in the crown than could be established on other grounds. Would he have mentioned the laying on greater restrictions on the Papists, from whom he had condescended to receive high obligations, and who on this account had a right to expect a return of favor, had he not been persuaded that he should have had influence enough in such a convention to make their protection the act of the assembly; or that a discretionary power to suspend law would be more fully and firmly established in the crown than it had ever been; or at least that opposition to the will of the crown would be rendered very difficult or impossible? That he knew that this was obvious enough for the Papists to understand, that he knew they were too well acquainted with his inclinations, and the power of the queen, to fear his deserting or neglecting them, is plain, or he would not have ventured by such a declaration to disgust a body of men on whom his present and future fortunes so much depended. The King knew he could depend upon his friends, and thought the efficacy of the words *parliament*, *established laws*, and *legal rights*, would deceive his adversaries into acquiescence. "If this offer, says he, is not consented to, in which I ask nothing for which there is not apparent justice on my side, and in which I defer many things highly concerning both myself and people till a full and peaceable convention of parliament, which in justice I might now require; I am confident it will then appear to all the world not only who is most desirous of peace, and whose fault it is that both armies are not now disbanded, but who have been the true and first cause that this

peace

forces strong enough to make an absolute conquest of the kingdom, or that his party in London, who were Ann. 1642.

peace was ever interrupted, or those armies raised; and the beginning or continuance of the war, and the destruction and desolation of this poor kingdom, will not by the most interested, passionate, or prejudiced person be imputed to me." Some very sensible objections had been made in the lower house against entering into a treaty before the two armies were disbanded, viz. that the Papists and malignants now about the King would effectually hinder such a peace as should interrupt their designs.

That it would not be safe for the King to yield to such propositions as should be for the suppressing Papists and malignants, his person being in their power; nor yet so safe for the kingdom, whilst arms were in their hands, and so great a party in Ireland and foreign states to encourage and assist them.

That whilst the armies were on foot, upon every difference in the treaty, both sides might be provoked with more animosity and bitterness to refer matters to the bloody trial of the sword.

That it would be more honorable for the King, and more safe for the people, that the propositions should be yielded after the disbanding than before: his majesty would be freed from the imputation of granting any thing by force, which might both trench upon his honor, and weaken the validity of the things granted; and both houses be free from that tax of unparliamentary proceedings implied in his majesty's answer, of requiring new laws by arms.

Notwithstanding the validity of these reasons, the Lords did not think fit to accede to them; and on the continuation of the debates in the lower house, it was carried, by a majority of eighty-six against eighty-three, to enter upon the treaty before disbanding: but on the manner of the King's treating with the commissioners, they afterwards received instructions to insist on the disbanding the two armies. The King, to gain time, wanted to enter into the proposition of his return; but was told, that the two houses conceived his answer to be in effect a denial, unless they departed from all those cautions and limitations contained in their reply to his first proposition; and if they had not inserted their desire of his majesty's return in their committee's instructions, it was because they conceived the disbanding the armies would facilitate his

Ann. 1642. continually entering into cabals to deſtroy the authority of the parliament, would be able to force a conceſſion to theſe unreaſonable demands; or whether in this buſineſs he was wholly directed by ſome about him, who affected the ſpoil of the party in oppoſition; it is certain, that he was obſtinately fixed on ſending this meſſage, the parliament's commiſſioners having in vain uſed many arguments to diſſuade him from it, and told him, that it would put an immediate end to the treaty. Though there were many in both houſes of parliament who, from a deſire of curbing the growing power of the people, wiſhed that every prerogative might remain with the crown that was compatible with their own ſafety, yet the King's high ſtyle convinced even theſe, that negociation without the proſecution of ſucceſsful arms would very little contribute to the deſired end *. On the receipt of the King's

reſolution therein. At this juncture, ſo ſtrong were the inclinations of the upper houſe, and many members of the lower houſe, to procure peace, that it is probable, had the King leſs preſumed on the power of his arms, he might, notwithſtanding the oppoſition of the men of diſcernment, have procured conditions from the parliament almoſt as favorable to his purpoſes as thoſe he could have gained by the ſword. "For the propoſitions, ſays Sir Benjamin Rudyard, I have not known nor heard that all the propoſitions in any treaty of importance were ever ſwallowed whole: if ſome be harſh and rough, they may be wrought and ſuppled by wiſe treaties, made fit for acceptable agreement: if others be unpaſſable, they may be totally rejected. Thoſe that are our unqueſtionable rights may be ſo claimed and held." *Parl. Hiſt.* vol. XII. p. 164, *& ſeq.* p. 223.

* What were the expectations of the royaliſts on the ſubject of peace, may be gathered from Clarendon, who obſerves, that if a ceſſation had been concluded, it would not only have effectually hindered the recruit of the earl of Eſſex's army, but have leſſened his preſent forces;

meſſage, both houſes reſolved to recal their commiſſioners, and poſitive orders were ſent for their immediate return *. Ann. 1642.

DURING theſe tranſactions, the queen, accompanied by Jermyn and other of her favorites, landed at Burlington-Bay. She brought with her a conſiderable quantity of arms and ammunition, and ſome money †, The queen's return.

forces; ſince thoſe who were engaged to the parliament by pay only, would abandon a party which they muſt foreſee on a peace would be condemned, though it might be ſecure: it was the ſame expectations that no doubt kept the jarring factions in parliament ſteady to the point of oppoſition. *Clar. Hiſt.* vol. II. p. 130.

* The propoſitions of peace were ſent to the King on the twenty-eighth of January, the articles of ceſſation on the twenty-eighth of February; the treaty commenced on the fourth of March, and laſted to the fifteenth of April.

† The queen, by the intereſt of her ſon-in-law the prince of Orange, having procured in Holland many officers, arms, and ammunition, the two houſes, in September 1642, ſent one Walter Stricland as their agent to complain to the States of this treatment, and to procure intelligence of what aſſiſtance the queen had gained, and what ſchemes were carrying on againſt them. Stricland delivered in a memorial, in which the two houſes, after ſtating the conditions of the quarrel between them and their prince, put the States in mind of the ſupport they had had from England when they lay under the oppreſſions of their ſovereigns. "They could not think, they ſaid, that they would be forward to help to make that people ſlaves, who had been aſſiſtant in making them freemen; or that they would forget that their dangers were mutual, and iſſued from the ſame fountain; and that thoſe who were ſet to work to undermine religion and Liberty in England, were the ſame who by open force had attempted the ſame in the Low-Countries." They remembered them, that the two houſes had ſhewn an earneſt inclination to a national love and amity with the United Provinces, by petitioning the King that they might be joined with them in a more ſtrait league and union; and deſired for theſe reſpects that they would not contribute

Ann. 1642. having hardly escaped the vigilance of Batten, the vice-admiral of the parliament's fleet, who followed

bute to their troubles. Stricland was neglected for some time; but the States, not caring to engage in an open alliance with either party, returned answer to the parliament, "That they would expressly forbid the transportation of any arms or warlike ammunition into England, and would gladly employ their mediation to put an end to its troubles." This promise was so little adhered to, that during the winter several English officers and soldiers in the service of the States came over to join the royal party; and one King, a Scot, who had been a general in their army, brought over ordnance and ammunition. The parliament re-urged on principles of gratitude and mutual safety their claim of friendship from the States, but in vain. They granted to the queen one of their men of war for a convoy, and a passport so large and general, that by virtue of it she could transport into England what quantity of troops, arms, and ammunition she pleased: but, however, to prevent an entire rupture with the parliament, they stopped one vessel in her train laden with ammunition. This produced a protestation from the queen, in which in very high terms she threatened the States with the consequence of violating the league betwixt them and the King. Clarendon says, that Stricland did hinder the States from giving the least countenance to the King's cause, and so corrupted the English in that army and court, that there was nothing designed to advance it by the prince of Orange himself, who with great generosity supplied the King with arms and ammunition to a considerable value, or by the private dexterity of particular persons out of their own fortunes, or by the sale or pawning of jewels, but intelligence was given soon enough to the parliament either to get stops and seizure upon it, by order of the States, or to intercept the supply by their navy at sea. Clarendon is very apt to exaggerate the circumstances he relates: the States-general refused Stricland audience at first, and after having heard him, and received his declaration by deputed commissioners, they laid it aside unanswered, till Stricland at length gaining some ground with the states of the province of Holland, whose trade was more open to interruption, they arrested some vessels laden with ammunition that were intended to be sent for England, and stopped several soldiers that were to be brought over by one captain Lloyd; and prevailing with the states of the province of Zealand to enter into a neutrality with the King and parliament,

her into the Bay; and ſhooting at the ſmall veſſels that were landing the ammunition, ſome of the bullets reached the houſe where ſhe lodged, and obliged her to remove to a more ſecure habitation *. After the Ann. 1642.

ment, the States-general at length deigned to take notice of the parliament's memorial, but never ſeized but one of the King's veſſels: and many Engliſh and Scots in the Dutch ſervice not being well acquainted with the King's character and conduct, were much inclined to his cauſe, and diſaffected to the parliament. Clarendon ſays, that the parliament had agents in France and Scotland which did them great ſervice againſt the King; that foreign princes either fomented the diſturbances in his kingdom, or looked on unconcerned. The truth is, Charles had perſonally offended almoſt all the great potentates of Europe, who for this reaſon interfered no farther in his quarrel than as it reſpected the Catholic cauſe, which they ſupplied by ſending arms, men, and money, to the Iriſh rebels; and that theſe ſupplies were not ſufficiently large to deſtroy the Proteſtant intereſt in the Britiſh empire, was fortunately owing to theſe powers being engaged in wars with one another on the continent of Germany. Clarendon is ſo angry with a conduct which prevented his own country from being conquered by foreign force, that he repreſents it as a breach of God's ordinance, who having created the function of kings as an order of men by themſelves, to be tried only within his own juriſdiction, and before his own tribunal, enjoins them by rules of policy to aſſiſt in the ſuppreſſion of reſiſtance to monarchy, in whatever kingdom it happens. The objections to the fantaſtical notion of kings being an order of God's ſpecial appointing, and ſpecially exempted by him from earthly juriſdiction, are too obvious to be here inſerted; and for that part of the obſervation which relates to policy, perhaps a conduct which would effectually ſhew mankind that right, juſtice and the happineſs of the whole ſpecies were rendered ſubordinate to the intereſts of a few individuals, would the moſt naturally lead to the total extinction of the function of kingſhip itſelf!

* Clarendon obſerves, that the parliament took no notice of this barbarous and treaſonable act; that many believed it was pleaſing to, if not commanded by them; and that if the ſhips had encountered at ſea, they would have left no hazard unrun to have deſtroyed her majeſty. Certainly Clarendon is ſo far right in his conjecture, that the par-

Ann. 1642. Strength of the royal party in the North.

queen's arrival, the King's affairs in the North grew every day more proſperous; numbers of Roman Catholics enliſted themſelves under the banners of their patroneſs, and, when united to the forces collected under the earl of Newcaſtle, made ſo formidable a body, that lord Fairfax was obliged to quit Selby, Cawood, and Tadcaſter, and keep on the defenſive in Pomfret and Hallifax *. Two regiments of militia raiſed in Richmondſhire and Cleveland had, on the earl of Newcaſtle's entering into Yorkſhire, diſſolved of themſelves. He had garriſoned Newark in Nottinghamſhire, which prevented the lord Fairfax's receiving aſſiſtance from the parliament's party in Lincolnſhire. A detachment of his forces under the command of Mr. Cavendiſh took the town of Grantham in this county, with three hundred priſoners, arms, and ammunition; and Sir Hugh Cholmondely delivered up Scarborough-caſtle to the queen. In the Weſt, which in the beginning of the conteſt had been totally ſubjected to the parliament, a revolution had happened in favor of the royaliſts. The marquis of Hertford, by a very ſuperior force

parliament, on motives of prudence and conſiſtence with the principles on which they profeſſed to act, would, had they met with, have attacked an enemy that was bringing over forces to invade the country. *Clar. Hiſt.* vol. II. p. 109.

* Fairfax's account of the ſtate of the northern counties tells the parliament, that the enemy was mighty and maſter of the field, plentifully ſupplied from his majeſty and the popiſh and malignant party with money and all other neceſſaries; that the well affected party, as it was now divided, was not conſiderable, the aid from Lincolnſhire, Derbyſhire, and other counties, very uncertain, and the want of money ſuch as would force him to diſband in ten days. *Parl. Hiſt.* vol. XII. p. 96, *& ſeq.*

under

under the earl of Bedford, had been driven out of Devonſhire into Wales, whilſt Sir Ralph Hopton, Sir John Berkeley, colonel Aſhburnham, and other active royaliſts, whom Charles had ſent into thoſe parts to aſſiſt Hertford, retired into Cornwall. Bedford, who had made a very ill figure in his military capacity, thinking his conqueſt complete, left this party, conſiſting of one hundred horſe and fifty dragoons, to be ſuppreſſed by a committee of parliament and the militia of the county of Devon. At the quarter-ſeſſions of the county of Cornwall, the committee cauſed a preſentment to be drawn againſt theſe men, as coming armed into the county againſt the peace; but ſo entirely inclined the affections of the Corniſh gentry on the ſide of prerogative*, that, on Sir Ralph Hopton's producing the King's commiſſion to the marquis of Hertford, conſtituting him general of the Weſt, and the marquis's commiſſion to himſelf, appointing him general of his horſe, the grand-jury, which conſiſted of the gentlemen of the greateſt fortunes in the county, acquitted Sir Ralph Hopton and his companions; acknowleged themſelves much indebted to the King, for the care he had ſhewn of their ſafety; and profeſſed, that they were ready to join with the adventurers in any hazard of life and fortune. On an indictment being preferred againſt Sir Alexander Carew, Sir Richard Buller, and the reſt of the committee, it was found by the jury; and an order of ſeſſions granted to the high-ſheriff, a perſon devoted to the King, for diſperſing a body of militia Ann. 1642.

* Clarendon ſays, that a great veneration for the book of Common-Prayer, and a jealouſy that the parliament deſigned to alter it, was in theſe counties an advancement of the King's intereſt. *Clar. Hiſt.* vol. II. p. 98.

Ann. 1642. The King's ſucceſs in Cornwall.

aſſembled with the committee of Launceſton. A large body of train-bands being aſſembled on this order, they were put under the command of Sir Ralph Hopton, who marching immediately to Launceſton, Sir George Chudleigh, who had appeared very active for the militia, but in his heart was diſaffected to the cauſe *, retreated before him, though accompanied with five or ſix full troops of horſe; and the committee, not finding themſelves ſtrong enough to ſtand the attack, quitted the town, and retired into Devonſhire. The train-bands having performed this ſervice, pleaded their privilege, that they could not legally be carried out of the county, without their conſent: the officers, though very unwilling, were obliged to admit the plea †; and marching to Saltaſh, from whence they drove a garriſon of two hundred Scots, they diſmiſſed theſe troops, whoſe tenacious regard to law rendered them uſeleſs in the buſineſs of extending their conqueſts. Sir Ralph Hopton ‡, Sir Beville Grenville,

* As Sir George Chudleigh behaved treacherouſly to his truſt; and as his treachery was a great means of the proſperity of the King's affairs in the Weſt, Clarendon allows he was a gentleman of good fortune and reputation, though he had been active for the militia.

† "How grievous ſoever this doctrine was diſcerned to be, ſays Clarendon, yet no man durſt preſume ſo far upon the temper of that people, as to object policy or neceſſity to the notions of law." It muſt be obſerved, that this author is extremely tenacious of the laws when they aſſiſt the pretenſions of his party, but very much diſpleaſed with the tenacity of others, when an adherence to law happens to be prejudicial to the cauſe in hand. *Clarendon's Hiſt.* vol. II. p. 99.

‡ Sir Ralph Hopton had been a warm advocate for the power and privileges of parliament, but having been impriſoned by the authority of this aſſembly, for ſhewing ſome petulance in his diſſent to one of their remonſtrances, he turned a yet more zealous partizan of the King's.

Sir

Sir Nicholas Stanning, Trevannion, and Arundel, were zealous enough to raiſe and arm, at their own charge, a body of foot, of near fifteen hundred men: with theſe they not only preſerved the entire conqueſt of Cornwall, but made ſucceſsful incurſions into Devonſhire. The fame of theſe exploits gave ſuch an alarm to the parliament, that they ordered Ruthen, a Scotſman, the governor of Plymouth, and the earl of Stamford, to put themſelves at the head of all their forces in Dorſetſhire, Somerſetſhire, and Devonſhire; and to ſubdue Sir Ralph Hopton, and his party, before they made any farther progreſs. On the advance of Ruthen, who was followed with another conſiderable body of men, under the command of the earl of Stamford, Hopton and his party retired to Bodmin, where they had ſummoned the train-bands of the county, who, on the fame of this invaſion, attended them in conſiderable numbers. Ruthen, emulous of enjoying, without a rival, the reputation of giving a total defeat to the enemy, haſtened to an action; a circumſtance which, with more reaſon, was equally deſired by the royaliſts. Inſtead of a victory, of which Ruthen had thought himſelf ſecure, he met with a total defeat, on a place called Bradoc-Downs, with the loſs of twelve hundred and fifty priſoners, his colors, artillery, and arms; and flying with a few broken troops to Saltaſh, from thence eſcaped, almoſt alone, with ſome difficulty, to Plymouth, leaving his ordnance, with a ſhip of four hundred tons he had brought to defend this town, behind him *. Stamford having not forces ſufficient to engage Hop- Ann. 1642.

* Sevenſcore priſoners fell into the hands of the enemy.

Ann. 1642. ton's victorious band, retired with precipitation, and diſtributed his troops into Plymouth and Exeter. After this ſervice, the Corniſh train-bands, according to their wonted cuſtom, diſbanded; and the royaliſts, being in want of two eſſential articles, money and powder *, were conſtrained to enter into a convention of neutrality with the parliamentary party in Devonſhire.

Cirenceſter taken by the royaliſts.

THE northern and weſtern counties were not the only parts of the kingdom in which the balance began to turn in favor of the King; the marquis of Hertford, having raiſed in Wales a body of two thouſand foot, and one regiment of horſe, had, in his way to Oxford, attempted, tho' in vain, to ſurpriſe Cirenceſter, a town in Glouceſterſhire, which being ſituated on the edge of Wiltſhire, Berkſhire, and Oxfordſhire, very much ſtreightened and incommoded the King's quarters; and, from this circumſtance, being an object of importance to both parties, was ſtrongly garriſoned by the parliament, and again attempted by prince Rupert. The town being taken by ſtorm, a whole regiment of the parliament forces were put to the ſword, and eleven hundred priſoners fell into the hands of the enemy, with four thouſand ſtands of arms, and the whole magazine. The conqueſt of this town extended the King's quarters from Oxford to Worceſter, the two counties of Hertford-

* Clarendon ſays, that captain Carteret, the late comptroller of the navy, who, in the beginning of the conteſt, had tranſported himſelf into Jerſey, as if ſent by Providence, now came into Cornwall, to raiſe a troop of horſe for the King's ſervice; and, on the deſire of the party, returned into France, from whence he undertook to ſupply them with a ſufficient quantity of powder. *Clar. Hiſt.* vol. II. p. 104.

ſhire

shire and Worcestershire having been left free to the enemy, on the earl of Stamford's removal to the West. The rapacity and profligacy of the King's army, with the cruelty that prevailed in the councils at Oxford, in some measure rendered this important conquest an incident disadvantageous to the King. The gentry of fortune in these parts having retired to Cirencester with their effects *, the town afforded much plunder: this was so indiscriminately seized by the soldiers, that many men, who had been imprisoned by the garrison, for being notoriously disaffected to the parliament, found in the success of their party their liberty and their ruin together †. The fame of the plunder of this town, with the great disorders and excesses which the King's army had, from the beginning of the war, committed in their marches and quarters, determined many to act against him, who had at first endeavored to preserve a neutrality; and the disreputation which the cause of prerogative incurred from these incidents, was much increased by the treatment of the prisoners taken at Cirencester ‡. These unfortunate captives, many of them being wounded, were stripped almost naked, tied together with cords, and in this condition driven

Ann. 1642.

Clarendon's Hist. vol. II. p. 97.

Whitlock, p. 64. Cruelty of the royalists.

* It was in the beginning of the war thought impregnable to any force the King would be able to raise.

† One John Plot, a zealous royalist lawyer, found, on his return to his house, that it had been plundered of 1200l. one penny of which he could never recover.

‡ The spirits of the party being raised by the present unexpected appearance of their affairs, Charles now flung off the counterfeit character of candor and humanity, which his necessity had obliged him to adopt.

along

Ann. 1642. along with whips to Oxford, where they were expoſed to the inſults of the King and court, who made themſelves merry with their miſery *. A plot to deliver up the city of Briſtol to the King, was diſcovered by Nathaniel Fiennes, the governor, and the principal perſons concerned in it were executed †. The earl of

* Whitlock ſays, that a proper handſome young man of ſpirit, whoſe ſkin, where it could be ſeen for the blood which trickled down his wounds, appeared remarkably delicate, not being able to walk on account of his weak condition, was for this reaſon put on the bare back of an horſe; on which, though his wounds gaped wide, and his body was in a manner covered with blood, he ſat upright with an undaunted countenance. On his coming near the King, a brawling woman, to make her court, cried out, "Oh you traitorly rogue, you are well enough ſerved:" To this brutal inſult the ſpirited youth returned a ſcornful look, and crying, "you baſe whore," dropped down dead. *Whitlock*, p. 64.

† Theſe were Yeomans and Boucher. To Yeomans, the laſt year's ſheriff, the King had ſent a commiſſion to raiſe forces, and appoint what commanders he thought proper. Yeomans, on this authority, joined with Boucher to form a plot to ſeize the city for the King: ſeveral other inhabitants entered into the deſign, but it was diſcovered the very night it was to be executed. On the parliament's ſending down a commiſſion to proceed againſt the conſpirators by martial law, the King writ to Fiennes the governor, that he would retaliate on the priſoners in his hands. Fiennes returned a ſpirited and ſenſible reply, in which, having obſerved on the difference between priſoners of war and ſpies and conſpirators, he ſhewed that the parliament had in their hands priſoners enough to make repriſals. This reply of Fiennes' produced a letter from the King to the mayor and aldermen of Briſtol, commanding them and the other inhabitants to riſe againſt the governor and garriſon, and ſet the convicts free. This mandate little profited Yeomans and Boucher, who were executed according to their ſentence; nor did the King think fit to realize his threat on his priſoners, ſome of whom, viz. captain John Lilburn, Clifton, Cateſby, and Robert Vivers, had before narrowly eſcaped his vengeance; a ſentence of death having been paſſed upon them

Worceſter and his ſon the lord Herbert, two Papiſts, who, on the authority of commiſſions they had received from the King in the * beginning of the war, had raiſed in Wales fifteen hundred foot and near five hundred horſe, after ſome little ſucceſs, attempted to take Gloceſter; but Sir William Waller, an officer of rank in Eſſex's army, with a party of light-horſe and dragoons, to the number of two thouſand, after taking Wincheſter † and Chicheſter ‡, made a rapid march through Wiltſhire, ſeized Malmſbury by the way, a ſmall garriſon of the King's, and advanced to Gloceſter, where he ſurprized the lord Herbert's Welch forces, which had blockaded this city; and Ann. 1642. Succeſſes of the parliament.

them by Sir Robert Heath, by virtue of the King's commiſſion of Oyer and Terminer to try his opponents for high-treaſon: but the parliament declared, that were it put in execution, they would upon this, or any other ſuch occaſion, inflict the like fate on the priſoners in their power. This exertion of the parliament preſerved their friends from the violence intended them; but captain Robert Ludlow (the hopeful ſon of that zealous partizan of Liberty Sir Henry Ludlow, who had engaged every member of his family in the cauſe) died of the ill uſage he received from the enemy. *Ludlow's Memoirs*, p. 31.

* They were appointed to the government of South-Wales. Clarendon obſerves on theſe commiſſions, that it was to be hoped the prejudices which had been againſt the houſe of Worceſter, and the popiſh religion profeſſed there, would have been compoſed by the public-heartedneſs of thoſe who, for the cauſe and conſcience-ſake, would, it was hoped, ſacrifice all trivial and private contentions to an union that muſt vindicate the religion, honor, and juſtice, of the kingdom. *Clar. Hiſt.* vol. II. p. 118.

† In this town was taken priſoner the lord Grandiſon and 24 officers of inferior rank, 700 private ſoldiers, 600 officers, and 600 arms.

‡ The townſmen were ſo diſaffected to the cauſe, that the garriſon was obliged to ſurrender after a ſiege of a little more than a week, on no better conditions than quarter. *Clar. Hiſt.* vol. II. p. 96.

being

Ann. 1642. being ſeconded by a briſk ſally from the town, gave them a total defeat, killed five hundred on the ſpot, and took one thouſand priſoners. From Gloceſter he proceeded to the city of Hereford, where the fame of his victory had ſo terrified colonel Price, the governor, that he ſurrendered on the firſt ſummons. The town of Tewkſbury was equally compliant; but Waller, having intelligence that prince Maurice, with a large party of horſe, was on his way to fight him, contented himſelf with ſending the ſoldiers and the conſiderable men out of the towns he had taken priſoners to Briſtol; neither placing garriſons in his new conqueſts, nor ſitting down before Worceſter, which had refuſed him admittance, but returned to Gloceſter, and from thence re-joined Eſſex's army.

The advantage the public-cauſe had gained from the active genius of Waller, was more than balanced by a loſs at this time received in Leiceſterſhire. The Cloſe of the cathedral of Lichfield, which had been erected by one of its biſhops, being capable of making a good defence by its natural advantages, and the fortifications which had been made round it, was ſeized for the King by a party of royaliſts. To ſuppreſs this growing faction within the limits of his aſſociation, Robert Greville lord Broke put himſelf at the head of a body of horſe and foot, drawn from the earl of Eſſex's army and the garriſons of Warwic and Coventry, which were joined to an additional power Sir John Gell had brought from Derby. With theſe, after he had ſeized a magazine of the King's at Northampton, and from Stratford upon Avon had beat a detachment of his forces under the co-

colonels Croker and Wagſtaff, he advanced to Lichfield, which city being unfortified was abandoned by the royaliſts, who retired into the Cloſe. The general, too careleſs of his ſafety, lodged in a houſe within muſket-ſhot of the Cloſe; and in his chamber, the day he meant to aſſault it, whilſt he was concerting diſpoſitions for the ſiege, the window being open, a muſket-ſhot from the wall of the Cloſe by the hand of a private ſoldier took him in the left eye, and killed him on the ſpot. Thus the fatal aim of a common hireling deprived the nation of an eminent citizen, whoſe every action of public life, flowing from the two affections of fixed averſion to deſpotiſm, and an ardent love for Liberty, carried the tinct of a brilliant patriotiſm. He was deſcended from a younger ſon of Fulk Greville, created lord Broke by King James, yet ſucceeded this nobleman in his title. His breeding was at Cambridge, where he made ſo great a progreſs in letters, that even thoſe who hated him for his political conduct, allow that his learning was conſiderable for his rank *. His natural good ſenſe and gene-

Ann. 1642.

Death and character of the lord Broke.

Wood's Athenæ Oxonienſes.

* He wrote and publiſhed the following pieces: The Nature of Truth; its Union and Unity with the Soul, which is one in its Eſſence, Faculties, Acts, one with Truth. Lond. 1640. 12mo. A Diſcourſe opening the Nature of Epiſcopacy as exerciſed in England, Lon. 1641. 4to. Anthony Wood ſays, that lord Broke was aſſiſted in this work by ſome puritanical miniſters. Milton commends it for breathing the ſpirit of toleration, which, as Mr. Walpole obſerves, in his Hiſtory of Noble Authors, was not the ſpirit of the puritans. There are four ſpeeches publiſhed that were ſuppoſed to be ſpoken by lord Broke; two in the Guildhall in London, concerning the King's refuſal of a treaty of peace; one at the election of his captains and commanders, at Warwic-caſtle; and an anſwer to the ſpeech of Philip earl of Pembroke concerning accommodation, in the houſe of Lords, December the 19th.

Ann. 1642. rosity of mind, enlarged by science, occasioned him to view the slavery into which his country was fallen in its true colors; and the warmth of his feelings made him resent it so strongly, that he not only chose to forego the trifling advantages of rank among a set of fellow-slaves, but the sweets of living in his own country, to find a retreat among the savages of America. An exertion of tyranny fatal to its authors prevented him from putting this design in practice*. The oppressions of the court at length rousing a spirit of opposition, the lord Broke had the resolution to refuse the King to enter into an engagement which he proposed to the peers at York, of professions of adherence to him, and abhorrence of the Scots, who

1642. The three first speeches are genuine; but this last, which breathes a spirit of acrimony foreign to the gentle nature of lord Broke, is spurious. Clarendon, in his own Life, published in 1761, confesses with triumph that the speech was written by himself, and published in lord Broke's name, to make this nobleman odious. Such were the employments of the King's counsellors, and such the low arts practised at Oxford. Clarendon farther tells us, that it was lord Pembroke's vanity which prevented this speech from being disclaimed by authority; for many specious arguments for an accommodation having been put in Pembroke's speech, it gained him such applause from the populace, that he opposed an intended motion of lord Broke's to the upper house, for the burning the publication by the hands of the hangman; the earl of Portland, a disguised Papist, who had attended parliament on purpose to do the King service, and who was the agent in this business, having occasioned it to be printed in such a manner, that where the earl of Pembroke's speech ended on one side the leaf, the lord Broke's began on the other side. *Clar. Life*, vol. I. p. 136, *& seq.*

* Broke, Hazlerig, Cromwell, Hampden, who engaged with such spirit and success against the tyranny of the crown and mitre in England, could have done them little mischief in America.

were

were termed rebels. The lord Broke was one of the moſt active members in the upper houſe, in all the patriot meaſures purſued by the parliament in 1640. When the ordinance for the militia took place, he was appointed lieutenant of Warwicſhire, accepted of a colonelſhip in the militia, and ſoon after the commencement of the war was nominated to the command of the aſſociated counties of Leiceſter, Stafford, and Derby. In this office he exerted the utmoſt ſpirit and gallantry, till the fatal hardineſs of a courage which diſcarded prudence deprived his country of the double advantages they derived from his ſpirited counſels in the ſenate, and his intrepid conduct in the field. Nor was his death only a public loſs; his mild, affable, humane, and civilized manners, with all the train of virtues that adorn private life*, rendered the ſiege of Lichfield Cloſe an incident of continual regret and mourning to his numerous friends. As his oppoſition to the King was directed by the conviction of his judgment and conſcience, it is ſaid, that in his prayers he aſked of Ann. 1642.

* The royaliſts being obliged to own (or having nothing to object againſt) the virtues of lord Broke, ſuppoſe, that if he had lived longer, he would have ſeen what they term his errors, and deſerted his party. Clarendon in this point differs from his brethren, and obſerves, he was undoubtedly one of thoſe who could have been with moſt difficulty reconciled to the government of the church and ſtate; and therefore his death was looked upon as no ill omen to peace, and exceedingly lamented by his party, who had ſcarce a more abſolute confidence in any man than in him. Previous to this obſervation, the ſame author gives an unwilling teſtimony of his conſcientious character, viz. that thoſe who were acquainted with lord Broke believed him to be well natured and juſt, and rather ſeduced and corrupted in his underſtanding, than perverſe and malicious. *Clar. Hiſt.* vol. II. p. 114.

Ann. 1642. God, that if the cauſe he was engaged in was not right, he might be cut off. His happening to repeat this token of his ſincerity on the day he died, it furniſhed triumph to the royal party, who, according to the wonted cuſtom of ſuperſtitious bigots, proclaimed this as an immediate interpoſition of Providence; and lowering the divine character to the level of human vitiated judgment, aſſerted, that ſudden deſtruction was the way which God had taken to correct the errors of a religious conſcientious man *.

* Thoſe accidents of the war whoſe circumſtances are congruous with particular incidents pertinent to their different opinions, are by the weak enthuſiaſts of both parties, according as it favors their cauſe, claimed as interpoſitions of Providence, commonly called judgments; but in allowing that the conſequence of actions determines them juſt or unjuſt, they neither of them conſider that they give an advantage to their opponents equal to what they claim themſelves, ſince from the natural incidents of war each party had an opportunity to triumph in their turn. The remarks of the partizans of the crown and church on the death of lord Broke, ſhew too much the ſuperſtitious bigotry of the party, to be omitted. Wood, in his Athenæ Oxonienſes, to make the judgment more ſignificant, tells us, "That lord Broke being ſent to aſſault the church Cloſe at Lichfield, then defended by a ſmall garriſon placed there by his majeſty out of a pious intent for the preſervation of the cathedral, intended, when taken, to be deſtroyed by the lord Broke, was, though harneſſed with plate armor cap-à-pee, ſhot from the church in the eye by one Diot a clergyman, who could neither hear nor ſpeak; that this memorable accident happened on the ſecond day of March, 1642, the feſtival of that ſome time famous biſhop St. Cedd or Chadd, to whoſe memory Offa, ſome time king of the Mercians, did erect the ſaid cathedral, and devoutly dedicated it." Clarendon, in the ſame ſtyle which he always uſes when he ſpeaks his own ſentiments, gravely in the following words ſays, "There were many diſcourſes and obſervations upon the lord Broke's death; that it ſhould be upon St. Chadd's day, by whoſe name, he being a biſhop ſhortly after planting Chriſtianity in this iſland, that church had been anciently called; and it

THE death of their general, inſtead of daunting the ſoldiers with ſuperſtitious terror, heightened their courage with the deſire of vengeance. Under Sir John Ann. 1642.

it was reported, that in his prayer that very morning, for he uſed to pray publicly, though his chaplain were in the preſence, he wiſhed that if the cauſe he was in was not right and juſt, that he might be preſently cut off. The pious Laud, himſelf under the affliction of confinement in the Tower of London, made the following memorial in his Diary: "Thurſday morning, March 2d, St. Cedd's day, the lord Broke ſhot in the left eye, and killed in the place at Lichfield, going to give onſet on the Cloſe of the church, he ever having been fierce againſt biſhops and cathedrals, his bever up and armed to the knee, ſo that a muſket at that diſtance could have done him little harm." The ſame Laud farther obſerves on the following anſwer of Broke's to a young lord, who had ſaid he was ſorry for the archbiſhop's commitment, if it were but for the building of Paul's, "I hope one of us ſhall live to ſee not one ſtone left upon another of that building;" "But the church ſtands yet, and that eye is put out which hoped to ſee the ruins of it. He was killed in the place without ſpeaking one word; he that was an enemy to cathedrals died in the aſſault of a cathedral; it was on St. Chadd's day. This lord Broke, who did often brag that he ſhould ſee the millenary fools paradiſe begin in his life-time, did give occaſion, by words that he uttered to certain obſerving perſons, to think that his death was near, viz. that at his going out of Coventry, when he went toward Lichfield, he gave order to his chaplain, that he ſhould preach upon this text, "If I periſh I periſh," being the words of Eſther in a different but far better cauſe; alſo that in a prayer of above an hour long, which he conceived before his ſetting on the Cloſe, he was heard to wiſh that if the cauſe he was in were not right and juſt, he might be preſently cut off, uſing the like expreſſions to his ſoldiers alſo."

Such were the obſervations and reflections made by the zealous royaliſts and devout churchmen on the fate of a worthy man, who fell a victim to his principles and conſcience. There are weak bigots and fanatics in all opinions; if the Puritans had their Prynnes, their Burtons, and their Vicars, the Epiſcopalians had their Clarendons, their Souths, and their Lauds. Dr. South, in one of his ſermons, treats largely of God's vengeance againſt the profaners of St. Chadd's day.

Gell,

Ann. 1642. Gell, who ſucceeded to the command, the ſiege was carried on vigorouſly, and the Cloſe taken, with the earl of Cheſterfield and the garriſon priſoners. This buſineſs was ſuccceded by a ſharp combat between Sir John Gell and the earl of Northampton, who was advancing from Banbury to relieve Lichfield, in his way to Stafford. Sir John Gell was joined by a body of men under the command of Sir William Brereton. Northampton, who was unacquainted with this circumſtance, marched out of Stafford to fight Gell. The two armies met on Hopton Heath. Gell's horſe was routed; but his foot having the better of the King's infantry under Sir John Byron, rendered it ſomewhat doubtful on which ſide was the victory. The King's forces retreated to Stafford, with the loſs of their general the earl of Northampton, whoſe zeal for the cauſe he was engaged in, and deteſtation of the enemy, made him refuſe quarter *. On the parliament's ſide was loſt a great number of men, and eight pieces of cannon.

On the very day that the parliament ordered their commiſſioners from Oxford, the earl of Eſſex, who had drawn his troops together about Windſor for the purpoſe, was directed to lay ſiege to Reading. This town, which was but indifferently fortified, and ill provided

* Northampton's refuſing to take quarter, humanely offered him by the enemy, in the following abuſive terms, "That he ſcorned to take quarter from ſuch baſe rogues and rebels," is related by Clarendon as a circumſtance that does honor to his memory. It is ſaid that the King gave away from the ſon of this earl the rangerſhip of a foreſt which he had ſolicited; and on being remembered of his father's ſervices he replied, "Hath the earl done more than became him, to die for his King?" *Clar. Hiſt.* vol. II. p. 115.

with

with ammunition, was thought to be so little able to resist a siege, that it was resolved in Charles's council of war to discontinue the works, and draw off the magazine and garrison, consisting of three thousand foot and three hundred horse. This was to be done before the end of April; but the parliament having put an end to the treaty sooner than was expected, and their forces appearing before the town earlier than it was imagined they would venture the field, the resolution did not take place: the parliament forces that sat down before Reading amounted to seventeen thousand men, horse and foot *. In a council of war it was determined rather to attack the town by regular approaches †, than to attempt the taking it by storm. The sixth or seventh day of the siege Sir Arthur Aston, the governor of Reading, was disabled by a brick-tile from the impulse of a cannon-shot lighting on his head. This accident occasioned such dismay in the garrison, that though commissary Wilmot, with a detachment of horse from Oxford, had found means to throw in five hundred men with a supply of powder, they surrendered the town to the enemy; but on articles of capitulation which were favorable to the King, except one, which delivered up to the vengeance of parliament the deserters of their party. On Aston's misfortune, the chief command had devolved on colonel Fielding, who found means, the King being on his march from Oxford with an intent to favor the retreat of the garrison, to get out of the

Ann. 1642.

Reading retaken by the parliament.

* This was a very superior army to what the King had at Oxford.

† Clarendon says, that this was the first regular siege that happened in England.

town,

Ann. 1643. town, and conſult his pleaſure on the ſubject of capitulation. As Ruthen the King's general, lately created carl of Forth *, had been repulſed in an attempt to force the paſs of Caverſham Bridge, which led to the town †, the King was glad to accept of terms that ſecured him his garriſon, with their arms, baggage, and ammunition; but on pretence that he had never ſeen the articles in writing, and only in general terms conſented that the garriſon ſhould march away with their arms and baggage, if the enemy agreed to thoſe conditions, and that colonel Fielding had not repreſented to him the ſtate of the town fairly; he was afterwards tried, and ſentenced to loſe his head by a council of war at Oxford, but obtained a pardon.

Treacherous conduct of Eſſex.

The ſiege of Reading was an enterprize concerted by Eſſex, and obſtinately inſiſted on by him, with a deſign to retard the progreſs of the parliament's arms; the ableſt men in the ſecret committee for military affairs, and particularly Mr. Hampden, having planned the nobler project of marching ſtraight to Oxford ‡; and as the King was at this time in extreme want of ammunition §, that

* Ruthen had fought the King's battles in Scotland as governor of Edinburgh-caſtle.

† Fielding being on a treaty with the enemy had made no motion to favor the attack.

‡ It was probably with the ſame deſign that Eſſex preferred the attacking Reading by a regular ſiege than by ſtorm; the latter in a council of war having been preferred by the officers of horſe, and among them Mr. Hampden. *Cla. Hiſt.* vol. II. p. 178.

§ The King had no other ſupply of powder than the remainder of the 400 barrels ſent by the queen from Holland before the commencement of hoſtilities, at this time diſtributed in his ſeveral garriſons. In the

important place, with all its dependant garriſons, muſt Ann. 1642.
have fallen into their hands *. Eſſex got rid of this advice, importunately ſeconded by all the zealous oppoſents of the court, on the pretence, that if the King ſhould ſuffer himſelf to be beſieged in Oxford, as there were yet in the nation, army, and parliament, a great veneration for his perſon, it might occaſion fatal conſequences, eſpecially if they left ſo large a garriſon as Reading at their back. On this laſt conſideration Eſſex's opinion was ſubmitted to; but now that Reading was ſurrendered by the enemy, the debate was reſumed with warmth, and Hampden and his friends ſtrongly urged that the army ſhould immediately march to Oxford. Eſſex, in this difficulty, had recourſe to Sir John Merric, and other officers promoted by his recommendation, whoſe reputation for experience always aſſiſted him at a pinch to damp the vigor of the committee's councils. It was now pretended that the wet ground and inclemency of the weather had ſo infected the ſoldiers with ſickneſs, that it would be a high degree of raſhneſs to proceed on another expedition †.

the magazine at Oxford there was not 100 barrels, nor match proportionable to the powder. *Clar. Hiſt.* vol. II. p. 177.

* Oxford was not ſufficiently fortified to ſtand a ſiege, the garriſon not well provided for, and the multitude of nobility, ladies, and gentry, that followed the court ready to take and ſpread terror on any alarm. Clarendon ſays, if Eſſex had made a ſhew of marching his army that way, Oxford, and all the garriſon round it, would have been quitted to him. *Clar. Hiſt.* vol. II. p. 184, 188.

† The hardſhips of the field had been much abated by the care and affection of private perſons in the city of London, who by voluntary contributions ſent every day waggons and carts loaded with choice proviſions to the army before Reading, who were likewiſe ſupplied in a

Aug. 1643. These reasons, though weak, were so obstinately insisted on, that they prevailed. The parliament's army went a second time into winter-quarters; and the King, who, on the report that Essex had advanced toward Oxford, had determined to retire into the North, on the assurance of his pacific disposition, put his army into a posture to abide the enemy. Great was the disquietude which the conduct of Essex occasioned in the parliament and city. Their troops having taken the field too early for soldiers young in the practice of military operations, were consumed with diseases, without performing any service suitable to such an exertion; and the King, who had in a manner suffered no loss *, since he never meant to keep Reading, had his forces ready to take the field, whilst to put theirs into a posture of war required a great additional expence. A diffidence either of the head or heart of a commander in chief must needs occasion in his party anxious apprehensions. Essex's overslight at Edg-hill and Brentford had not been unseen, though they were passed over, on the hopes that regard to his personal safety would encline him to act more cordially for the public, when, by the consequence of his former faults, the King's affairs carried a triumphant appearance: but his neglecting to crush the hopes and formidable pretensions of the royalists, when success began to preponderate on their side, gave but too cogent reason to

regular way by commissioners appointed for the purpose. *Clar. Hist.* vol. II. p. 278.

* The granting such good conditions to the garrison of Reading was numbered in the scale of Essex's treacheries.

con-

conclude him not a cool friend, but an enemy in diſ- Ann. 1642.
guiſe. Theſe uneaſineſſes were much encreaſed by a very important loſs the party ſome time after this ſuſtained. Eſſex, on the blame he had incurred for ſhutting himſelf up in Reading, made a motion towards Oxford, and fixed his head-quarters at Thame, on the borders of Buckinghamſhire, to protect from depredation that county, which had expreſſed ſo much zeal for the parliament *.

One Hurry, a Scotſman, a colonel in the parliament-army, not thinking he had preferment equal to his merit, offered his ſervice at Oxford †, and propoſed to conduct the royaliſts where they could make great havoc on his unprepared comrades. Prince Rupert took him at his word, and the diſpoſition of the enemy's quarters being very looſe, and in diſperſed bodies, he routed two regiments of cavalry and one of infantry, and carried execution within two miles of the general. On the alarm the treachery of this baſe Scot occaſioned,

* A letter to the parliament, reſpecting the ſituation of the county, informs, that the King had ſent into thoſe parts twelve or fourteen hundred of his forces, commanded by the earl of Cleveland, accompanied with the lord Chandois and Crawford, and Sir John Byron; that theſe troops pillaged and plundered towns, and committed many murders; one on a woman big with child, who could make no reſiſtance; that they deſtroyed all the houſhold goods they could not carry away, ſpoiled the country, and, in the exerciſe of their cruelty, had fired a country village called Swanburn. *Parl. Hiſt.* vol. XII. p. 259, *& ſeq.*

† Hurry was a man of vicious morals, which occaſioned the parliament not to encourage him in the manner he expected. *Clar. Hiſt.* vol. II. p. 204.

Ann. 1642. the whole army was roused; each valiant soldier with eager and indignant haste mounted on horseback to pursue the victor, recover the prisoners, and revenge the insult. Among the most forward of these was the gallant Hampden, who, though a foot officer, joined the horse as a simple volunteer, and Rupert being overtaken on Chalgrove field, entered into the heat of the combat. The orders which Essex had given were, to entertain the prince with skirmishes till he could come up; but on a view of the enemy loaded with spoil, the officers of the parliament precipitately advancing with the most forward of their men, were cut almost all off or taken prisoners, whilst the rest of the party found their safety in flight. The earl of Essex, who came up time enough to have a distant view of the rout, made a stand to receive his flying troops; and this giving time for prince Rupert to gain a bridge which he must necessarily pass in his retreat, and which by his directions was secured by a strong guard of foot, he forced Essex to retire to his quarters, and returned in triumph to Oxford loaded with booty and two hundred prisoners.

Skirmish on Chalgrove-field.

Neither the consternation which this successful expedition had given the enemy; neither the reputation it had acquired to their own arms, with the disgrace the adversary had sustained; neither the spoil they had taken, with the officers of distinction they had left dead on the spot; delighted the royalists equal to the expectation that some accident had befallen their formidable opponent Hampden. One of their prisoners had given them the flattering assurance that colonel Hampden was hurt: he

he had ſeen him, he ſaid, contrary to his uſual cuſtom, ride off the field before the action was finiſhed, his head hanging down, and his hands leaning upon his horſe's neck. The ſucceeding day confirmed this account, with the relation that Hampden was ſhot in the ſhoulders with a brace of bullets, and the bone broken. In ſome little time the triumph of the royaliſts was completed by the certain intelligence, that his wound, after occaſioning him to linger ſix days in exquiſite pain, had put a period to his life *. Ann. 1642. Death of Hampden.

THUS, to the high exultation of all who wiſhed ill to the Freedom of the country, and to the conſternation of his party almoſt equal to a total defeat, an accident, ariſing from the ſpirited activity of his diſpoſition, ſhortened the glorious courſe of John Hampden; and as if the exiſtence of Liberty depended on the virtue of a ſingle individual, as the ſtand he had made againſt ſhip-money gave riſe to the revolution that ſucceeded, ſo his premature fate made way for the tyranny of a ſucceſsful uſurper.

HAMPDEN was deſcended from one of the moſt ancient families in Buckinghamſhire; and the death of his parents devolving on him early the poſſeſſion of a large and opulent fortune, this circumſtance, concurring with the vivacity of youth, excited him to indulge in thoſe amuſements which confine the excellencies of genius to the narrow compaſs of private Character of Hampden.

* Sir Philip Warwic, in a confuſed relation, hints that the King, being deſirous to gain Hampden to his intereſt, ſent one doctor Chinner to offer him the aſſiſtance of his ſurgeons. *Warwic's Memoirs*, p. 241.

grati-

Ann. 1640. gratification. At the age of fifteen he left the university, and finishing his education at the inns of court, made a considerable progress in the common-law. After he had passed his thirtieth year, he was chosen to represent his country in parliament; an incident which roused to exertion those principles of virtue and affection to the public, which lay latent in his character. He was consulted by the leading members of parliament in all the important points of opposition, and joined heartily in the prosecution of the duke of Buckingham, and other businesses carried against the court. As it was Hampden's peculiar talent to act powerfully when he seemed the most disengaged, and as he never put himself forward but when forwardness was necessary, so in this parliament he was not thought an opponent formidable enough to be pricked down for sheriff to prevent his election in the ensuing one, and escaped a commitment to the Tower in 1628, for what was termed a riotous proceeding in parliament: but his honor not permitting him to comply with the illegal exaction of a loan, he was among those who suffered imprisonment on this business. The trial of ship-money, in the year 1636, unfolded to public view those patriotic virtues which modesty, diffidence, or art, had hitherto in some measure obscured *; and as the infamous judgment given

* Clarendon says, that Hampden was rather of reputation in his own country than of public discourse or fame in the kingdom, before the business of ship-money; but then he grew the argument of all tongues, every man enquiring who and what he was, that durst at his own charge support the liberty and property of the kingdom, and rescue his country, as he thought, from being made a prey to the court. *Clar. Hist.* vol. II. p. 205.

by

by the judges on this cauſe, rouſed the nation to a more ſerious attention to the conduct and views of the court, thoſe men of genius and abilities who laid the grounds for the ſucceeding revolution, began to concert meaſures how to improve to an effectual height the growing diſcontents; whilſt the frantic tyranny of Laud, with his attempt to impoſe his ſuperſtitious ceremonies on the Scots, gave ſuch advantage to the deſigns of the party, that matters came to a ripeneſs in leſs than four years after this period, a ſpace of time, which had been ſo ſedulouſly employed by the active patriots, who had continual meetings to conſult on the buſineſs of oppoſition *, that Mr. Hampden, it is ſaid, had made ſeveral expeditions into Scotland before the commotions in that kingdom broke out. From the time that he engaged in the important ſcheme of abridging the power of the court, and reforming the government of the country, he totally diſcarded the levities of his youth, and became remarkable for his ſobriety and ſtrictneſs of manners; which, ſtill retaining his natural vivacity of temper, he embelliſhed with an affable, chearful, and poliſhed, behavior. In the parliament of 1640, an event which had been long impatiently expected by the people, and to which the indefatigable induſtry, activity, and abilities, of Hampden had in a good meaſure conduced, he was one of the

Ann. 1642.

* The two houſes the moſt commonly frequented on this occaſion, were the lord Say's houſe at Broughton in Oxfordſhire, and one Mr. Knightly's, a gentleman of Northamptonſhire, the ſon-in-law of Mr. Hampden, who had himſelf married a widow of the Knightly family. *Perſecutio Undecimo*, Lond. 1648. 4to. a virulent performance.

chief

Ann. 1642. chief directors of the anti-court party*, and specially trusted in the business of watching the King's conduct in Scotland, and preventing the Scots being seduced from the interests of Liberty by the cabals and cajolements of the court; his art of directing the understanding and governing the inclinations of men being such, that in all the transactions between the two nations, he was appointed by the parliament one of the commissioners to treat with that people†. When the quarrel between the King and the parliament came to hostilities, he accepted the command of a regiment of foot under the earl of Essex, and was one of the first who opened the war by an action at a place called Brill, in Buckinghamshire ‡. As the sagacity and in-

* Clarendon says, that at the commencement of this parliament, the eyes of all men were fixed upon Hampden, as the *patriæ pater*, and the pilot that must steer the vessel through the tempests and rocks that threatened it; that his power and interest to do good or hurt was greater than any man's in the kingdom, or than any man of his rank had had at any time; his reputation for honesty being universal, and his affections appearing so publicly guided, that no corrupt or private ends could bias them. He was appointed by the parliament one of the committee to prepare the charge against the earl of Strafford, one of the managers of the evidence against him, and one of the committee to expedite the charge against Laud, archbishop of Canterbury. *Clar. Hist.* vol. II. p. 205. *Wood's Athen. Oxon.* vol. II. p. 20.

† The management of the Scots, a people at this time wholly directed by views of interest and bigotry, and who, notwithstanding their late vigorous opposition, which owed its source to religious enthusiasm, were as zealously attached to monarchical principles in civil government, as to the presbyterian discipline in ecclesiastical, was one of those points of the conduct of the party which does the most honor to their abilities.

‡ Five miles from Oxford.

trepidity

trepidity of his conduct in the character of a ſenator, had rendered him ſo much the object of the King's indignation as to be one of the ſix members marked for particular vengeance, ſo his activity and bravery in the field, and his wiſe and ſpirited counſels on the operations of the war, rendered him ſo formidable a rival of Eſſex's, that it was thought, had he lived, his party, who were, at this time, highly incenſed at their general's conduct, would have taken his command from him, and given it to Hampden *. Clarendon has pretended to draw the exact portraiture of this eminent perſonage; but, tho' marked with thoſe partial lines that diſtinguiſh the hand of the hiſtorian, it is the teſtimony of an enemy to virtues poſſeſſed only by the foremoſt rank of men. With all the talents and virtues that render private life uſeful, amiable, and reſpectable, were united in Hampden, in the higheſt degree, thoſe excellences which guide the jarring opinions of popular counſels to determined points; and whilſt he penetrated into the moſt ſecret deſigns of other men, he never diſcovered more of his own inclinations than was neceſſary to the purpoſe in hand. In debate he was ſo much a maſter, that joining the art of Socrates with the graces of Cicero, he fixed his own opinion under the modeſt guiſe of deſiring to improve by that of others; and, contrary to the nature of diſputes, left a pleaſing impreſſion, which prejudiced his antagoniſt in his favor, even when he had not convinced or altered his judgment. His carriage was ſo generally, uniformly, and un-

* His extenſive popularity and influence in the army being ſuch as would prevent any miſchief ariſing from Eſſex's reſentment.

Ann. 1642. affectedly affable; his converſation ſo enlivened by his vivacity, ſo ſeaſoned by his knowledge and underſtanding, and ſo well applied to the genius, humor, and prejudices of thoſe he converſed with, that his talents to gain popularity were abſolute. With qualities of this high nature he poſſeſſed in council penetration and diſcernment, with a ſagacity on which no one could impoſe, an induſtry and vigilance that were indefatigable, with the entire maſtery of his paſſions and affections *; an advantage which gave him infinite ſuperiority over leſs regulated minds. Whilſt there was any hopes that the adminiſtration of the country could be corrected without the entire overthrow of the conſtitution, Hampden choſe before other preferment the ſuperintendency of the prince's mind †, aiming to correct the ſource

* Clarendon ſays, that his carriage through the whole proceſs of his ſuit againſt the crown in the buſineſs of ſhip-money, was with that rare temper and modeſty, that they who watched him narrowly, to find ſome advantage againſt his perſon, to make him leſs reſolute in his cauſe, were compelled to give him a juſt teſtimony. The ſame author obſerves, in his account of the debates of ſhip-money, in the ſhort parliament of April, 1640, that Herbert, the ſolicitor-general, while he was ſpeaking in commendation of the King's candor in that affair, took occaſion to ſtroke and commend Mr. Hampden for his great temper and modeſty in that ſuit. *Clar. Hiſt.* vol. II. p. 205.

† If any cultivation could have regulated the underſtanding, and corrected the nature of the young Charles, the nation would have received great benefit from this promotion's taking place. "Hampden, ſays Sir Philip Warwic, aiming at the alteration of ſome parts of the government, knew of how great conſequence it would be, that a young prince ſhould have principles ſuitable to what ſhould be eſtabliſhed as laws." The author might have obſerved, that Hampden knew, that could he give to the prince juſt notions on religious and civil policy, with ſo much rational knowledge as would have ſtimulated him with an higher ambition than the trampling on the liberties of men, and given

from whence the happineſs or misfortunes of the empire, if the government continued monarchical, muſt flow; but the averſion which the King diſcovered to thoſe regulations which were neceſſary to ſecure the freedom of the conſtitution from any future attempt of the crown, with the ſchemes he had entered on to puniſh the authors of reformation, and reſcind his conceſſions, determined the conduct of Hampden. Convinced that Charles's affections and underſtanding were too corrupt to be truſted with power in any degree, he ſought the abolition of monarchy as the only cure to national grievances, warmly oppoſing all overtures for treaties as dangerous ſnares, or other expedient than conqueſt for accommodation. It was him the party relied on to animate the cold councils of their general; it was Ann. 1642.

given him a juſter taſte of pleaſure than uſing the advantages of his ſtation to the groſs enjoyment of licentious levity and unbounded vice, with the inſipid gratifications which ariſe from the dull expenſive pageantry of royal life, the laws and conſtitution of the country would have been ſecure from farther invaſion, and the morals, taſte, and manners of the people uncorrupted by the example of thoſe fantaſtic amuſements, ſervile ceremonies, and numerous vices which abound in courts. Such documents as might have been expected from an Hampden, were not the kind with which the King wiſhed to have the prince's mind embued: the governors he choſe for his ſon were men of a different ſtamp, viz. the earl of Newcaſtle, a vain, romantic nobleman, intoxicated to a ridiculous degree with the fumes of poetry, and in whoſe character reaſon had no ſhare; the marquis of Hertford, a man of ſo idle a diſpoſition, that he would never think long enough on a ſubject to make a juſt concluſion. By the King's choice it is eaſy to ſee, that he was determined to have no governor to form the prince's mind on a model that ſhould claſh with his own prejudices. Clarendon ſays, that the prince was to be educated by the advice, and under the care of the King and queen.

Ann. 1642. his example and influence they truſted to keep him honeſt to the intereſt of the public, and to preſerve to the parliament the affections of the army. Had he been at firſt appointed to the ſupreme military command, the civil war, under all the horrors of which the country languiſhed more than three years, would have been but of a ſhort continuance *.

* As if God had enliſted himſelf in the ſervice of the party as their executioner, no eminent perſonage whoſe principles ran counter to the views of the royaliſts fell a ſacrifice to the rage of war, but were marked by them as ſpecial victims of the divine vengeance. Clarendon, in his uſual ſtyle, comments thus on the death of Hampden: "Many men obſerved, that the field in which the late ſkirmiſh and upon which Mr. Hampden received his death's wound, Chalgrove-field, was the ſame place in which he had firſt executed the ordinance of the militia, and engaged the country, in which his intereſt was very great, in the rebellion; and it was confeſſed by the priſoners that were taken that day, and acknowledged by all, that upon the alarm that morning, after their quarters were beaten up, he was exceedingly ſolicitous to draw forces together to purſue the enemy; and being a colonel of foot, put himſelf among thoſe horſe as a volunteer who were firſt ready; and that when the prince made a ſtand, all the officers were of opinion to ſtay till their body came up, and he alone (being ſecond to none but the general himſelf in the obſervance and application of all men) perſuaded and prevailed with them to advance; ſo violently did his fate carry him to pay the mulct in the place where he had committed the tranſgreſſion a year before." The prerogative writers are full of theſe kind of reflections. Hampden was born in the year 1594, and died in 1643, June 24. He left ten children behind him. Of four daughters, one was married to Sir John Hobart, ſon to Sir Miles Hobart, member of parliament, impriſoned in the year 1628; one to Sir Robert Pye, a gentleman of an ancient extraction in Herefordſhire, a member of this parliament, under the authority of which he ſerved in many public employments; one to colonel Hammond, appointed ſome time after this period governor of the Iſle of Wight; and another to Mr. Knightly of Northamptonſhire. The parliament, as a teſtimony of Mr. Hampden's ſervice to the public, ordered the ſum of five thouſand pounds to be paid

WHILST the earl of Eſſex, thus inſulted with impunity, lay inactive in the neighborhood of Thame, lord Fairfax, on whoſe valor and conduct the parliament had ſo much depended as to neglect the ſending him proper ſupply *, after having with the aſſiſtance of his ſon combated the enemy with very unequal force, and gained great advantages over them, was at length defeated by the earl of Newcaſtle at a place called Adderton-Moor, in Yorkſhire. Nor were theſe the only triumphs which attended the King's arms; a more important conqueſt in the Weſt had but from a very particular circumſtance crowned him with complete victory. The convention of neutrality between the roya- Ann. 1642.

Defeat of the parliament's forces at Adderton-Moor.

paid to his aſſignees out of the Exciſe in courſe the moiety of the receipts of Goldſmith's-hall and the King's revenue. This, though a trifling teſtimony of the favor of the public for ſervices ſo great as Mr. Hampden had performed, yet it was a conſiderable ſum for the parliament, whoſe large expences were every day encreaſing, and who at this time labored under great difficulties in the raiſing money to give. *Clar. Hiſt.* vol. II. p. 205. *Biographia Britannica.*

* The parliament after having for very good reaſons broken the convention of neutrality between the two parties, and inveſted the lord Fairfax with the ſupreme command of their Northern forces, left him engaged in a very unequal conteſt with the earl of Newcaſtle, and the whole North expoſed to the depredations of the King's party, who carried their violence ſo far as to plunder and impriſon the enemy on the delivery of towns upon treaty. Lord Fairfax wrote word to the parliament, that they were guilty of all kind of violences; that they pillaged and cruelly uſed all thoſe that were well affected to their authority; and that they had received commiſſions from the King of liberty to plunder and ſeize men's eſtates, provided they accounted for the moiety of the profit to his majeſty. *Parl. Hiſt.* vol. XII. p. 268, *& ſeq.*

liſts

Ann. 1642. lists and the parliamentary party in Devonshire had by the authority of parliament been broken very early in the spring; and major-general Chudleigh, who yet commanded their forces in those parts, was repulsed from the attack of Launceston by Sir Ralph Hopton and Sir Bevil Grenville. In May the earl of Stamford assembling a body of five thousand foot and fourteen hundred horse, marched into Cornwall; and encamping on a high hill near Stratton, sent Sir George Chudleigh, with twelve hundred horse, to secure the country.

Defeat of the parliament's forces at Stratton.

The King's troops, who were not above half the number of the enemy, and in want of many necessaries with which these were amply supplied, assuming courage from despair, determined not to suffer themselves to be besieged. On hearing that the earl of Stamford had weakened his main body, by the large detachment he had sent out under the command of Chudleigh, they marched from Launceston with no more than two thousand four hundred foot and five hundred horse, with eight pieces of cannon; and divided their small army into four divisions, one of which was commanded by the lord Mohun and Sir Ralph Hopton; another by Sir Bevil Grenville and Sir John Berkeley; a third by Slanning and Trevannion; a fourth by Basset and Godolphin; and a fifth, which consisted of horse and dragoons, by colonel John Digby. These were to remain on the Common as a body of reserve, whilst the other four parties mounted the ascent to attack the enemy. This the Cornish troops performed with such vigor and intrepidity, that Chudleigh, the parliament's general under Stamford, either from design or accident

being

being taken priſoner, his whole army gave way and diſperſed. The ground thus left clear for the royaliſts, the four diviſions all met together on the plain at the top of the hill, where, without the loſs of more than fourſcore men, they took poſſeſſion of the enemy's camp, cannon, ammunition, and proviſion, with one thouſand ſeven hundred priſoners. Sir George Chudleigh, after having ſpent much time in diſperſing the poſſe comitatûs, which the high-ſheriff was endeavoring to raiſe for the King, on hearing of the defeat of the parliament's forces at Stratton, retired in great diſorder to Plymouth, and thence to Exeter; whilſt the earl of Stamford proclaimed himſelf betrayed by the younger Chudleigh, who in the heat of the battle, when the proſpect for victory was fair, voluntarily with a party ran over to the enemy *. Ann. 1642.

* Chudleigh had been active in the army-plot in engaging the troops in undertakings for the King; but when the cabal was diſcovered, he owned ſo many circumſtances diſadvantageous for the court, that receiving no countenance at Oxford, where he went to offer his ſervice, he returned to London, and was entertained by the parliament. Ruſhworth ſays, that intercepted letters to his father manifeſted the part he acted at Stratton to be treacherous. Chudleigh's prior conduct, with the odd circumſtance of a general being taken priſoner before the entire rout of an army, and his pretended converſion after he put himſelf into the hands of the enemy, renders this proof unneceſſary. Clarendon aſſerts ſtrongly, that Chudleigh performed the part of a valiant and truſty commander; not to vindicate the character of Chudleigh, who, he ſays, was always affected to the royal party; for Clarendon, in the cauſe of the divine right of princes, would not think treachery a demerit, but to heighten the reputation of the royaliſt commanders. Sir George Chudleigh, the father of the general, ſurrendered his commiſſion, and publiſhed a declaration, in which he profeſſed to have flung himſelf at his ſovereign's feet, to have embraced his gracious pardon, with a reſo-

Ann. 1642. On the news of the defeat of the parliament's army at Stratton, the King ſent the marquis of Hertford, with prince Maurice and a ſtrong body of horſe, to join the Corniſh troops, and make an entire conqueſt of the Weſt; a quarter not leſs the object of the parliament's care, who now found themſelves on the point of being totally deprived of a conſiderable part of the kingdom, which in the beginning of the war was almoſt totally ſubdued by their arms †. Sir William Waller, who was now the commander on whom the parliament moſt depended, was by a vote of both houſes ſupplied with ſeven thouſand foot and three thouſand horſe, and ſent weſtward to meet the royal army; the two different parties of which having united near Chard, a town in Somerſetſhire, on the borders of Devonſhire, formed a body of ſeven thouſand men, a new regiment of foot with many volunteers having joined them on their ſucceſs at Stratton; whilſt Taunton, Bridgewater, and Dunſtar-caſtle, ſurrendered on the fame of this victory. Waller, who had not received his command time enough to hinder the junction of the two armies, lay at Bath, to gather the remains of the beaten force at Stratton. After ſome ſkirmiſhes, which were generally in favor of the royaliſts, who were full of ſpirits on their late ſucceſs, the two armies met on Lanſdown near Bath, and a battle was fought between them;

reſolution to contend no more in word or deed. *Ruſhworth*, vol. V. p. 271, *& ſeq.* *Clar. Hiſt.* vol. II. p. 210.

† The riſe of the King's party in the Weſt was entirely owing to the negligence of the earl of Bedford, a man who had ſhewn no capacity in the military office which had been aſſigned him by the parliament.

but

but without any decisive event in favor of either side: yet the royalists, discouraged by the loss of Sir Bevil Grenville, one of their best commanders; the disabling of Hopton, by the blowing up of the greater part of their powder; the loss of their ammunition; and a repulse which their hitherto victorious troops had received from a regiment of Sir Arthur Hazlerig, styled the lobster regiment from their complete armor, fled before Waller; and having reached the Devizes, lest they should be obliged to surrender at discretion, the marquis of Hertford and prince Maurice carried off their horse to Oxford. Waller, after recruiting his army by the reputation which the flight of the King's troops had given to his arms *, followed close at their heels, and having intercepted and routed a reinforcement which the King had sent under the command of the earl of Crauford, summoned the enemy to surrender on terms of quarter and civil usage to the officers, with the dismission of the common soldiers without their arms. Though the town of the Devizes lay open, without any fortification or defence but small ditches and hedges, yet the besieged found means to amuse Waller with a treaty eight or ten hours, in which time the King had leisure to send from Oxford (which was within the distance of thirty miles) fifteen hundred fresh horse to attempt their rescue, under the command of Wilmot, lately created a peer. Waller, elevated with the hopes of giving a decisive overthrow to the King's arms, drew off Ann. 1642.

* He dispersed warrants over the country, signifying that he had beaten the marquis of Hertford, and requiring the people to rise for the apprehension of his scattered troops. *Clar. Hist.* vol. II. p. 221.

Ann. 1642. his army from the town, and ranging them in array on Roundway-Down, two miles from the Devizes, a place on which the King's horſe muſt neceſſarily paſs, had the imprudence to depart from the order of battle, in which he had placed his army to great advantage, and advanced with his horſe to meet Wilmot, who received him with ſuch valor and intrepidity, that ſir Arthur Hazlerig's regiment, which had done ſuch ſervice on Lanſdown, was firſt routed, and being chaſed back on their comrades, put the whole body of horſe in ſuch confuſion, that they immediately diſperſed; when Wilmot, turning their own cannon on the enemy's foot, who were at the ſame time charged by the Corniſh troops, completed the deſtruction of the parliament's army, who almoſt all ſuffered death or captivity, many of them being cruelly killed by the Corniſh men in revenge for their late diſtreſſes. Sir William Waller himſelf, with a very ſmall remains of his gallant army, and the loſs of his artillery, ammunition, and proviſion, after having written to the parliament that their work was done, and that the next poſt would inform them of the number and quality of the priſoners, carried to Briſtol the news of his defeat*. This misfortune of Waller, incurred by his injudicious conduct, was alſo in a good meaſure owing to the jealouſy of Eſſex, who having given a commiſſion to

Defeat of the parliament's forces on Roundway-Down.

Clarendon.

* Clarendon ſays, that Waller, when he was defeated on Roundway-Down, had an army of 2000 horſe, 500 dragoons, and near 3000 foot. If his forces were no more than this, though recruited with part of the garriſon of Briſtol, and volunteers which came in on the fame of his ſucceſs, his original army could not have been ſo large as was aſſigned him by the vote of the two houſes.

Waller

Waller for the weſtern expedition, had returned it, with an intention of going himſelf on the ſervice, when Waller was appointed to that command by a vote of parliament. Waller juſtly complained, that whilſt Eſſex lay with his whole army idle about Thame, he ſuffered Wilmot without interruption to come from Oxford to deſtroy him *: whilſt Eſſex alledged in his excuſe, that Waller had force enough to combat both Wilmot's and the Corniſh army. This neglect of Waller was not the laſt ſacrifice which Eſſex made to the royal cauſe. The queen, who by the two houſes had been voted guilty of treaſon, marching from the North with a body of two thouſand foot and one thouſand horſe, with artillery, arms, and ammunition, was by the parliament's general ſuffered to paſs without interruption; and joining the King at Edg-hill on the very day that he gained the battle of Roundway-Down, they entered Oxford in triumph †. Bath hav- Ann. 1642.

* The aſſurance that Eſſex, who lay within ten miles of Oxford with his whole army, and to whom Waller had ſignified his victory, and the ſituation he was in, would not ſuffer any relief to come to the enemy, had engaged him to admit of a treaty.

† So little did the King fear any interruption from Eſſex, that having appointed to meet the queen two days journey from Oxford, he only took with him on this expedition his own guard of horſe and prince Rupert's regiment.

The following form of thankſgiving-prayer was drawn up by the Oxford doctors on the arrival of the queen: "Oh moſt merciful God! we render thee all praiſe and thanks, for that thou haſt been pleaſed to extend thy hand of deliverance unto the perſon of our gracious queen; that thou haſt made her an inſtrument of ſo much good to this kingdom, and brought her ſafely hither. Lord! make the King and his people daily more and more happy in her, that as by thine eſpecial favor ſhe is already become the mother of ſo many hopeful princes, ſo

Ann. 1642. ing ſurrendered itſelf immediately after the defeat of Waller, the Oxford forces under the command of prince Rupert, and the Corniſh army under the command of the marquis of Hertford, joined in an attempt on the city of Briſtol; a place ſo well defended by nature, and a ſtrong garriſon * provided with all neceſſaries, that the Corniſh troops, having made a vigorous attack, were repulſed withconſiderable loſs; whilſt the army under the command of prince Rupert aſſaulting that part of the town which was more penetrable, forced the outworks, and entered the ſuburbs; but after a loſs equal to what their comrades had ſuſtained, found the entrance into the town more difficult, and better defended than that they had paſſed, and where their horſe would be of no ſervice. In this juncture, envy, treachery, raſhneſs, and cowardice, combined their ſeveral influences to ruin the public cauſe, at the very time when the commanders of the royal army began to regret an aſſault which, without proſpect of ſucceſs, had deprived them of many of their beſt officers, and great numbers of their men. Nathaniel Fiennes, the governor of Briſtol, better ſkilled to fight the battles of Liberty in the ſenate than the field, being taken with a ſudden panic, beat a parley; and after a treaty which laſted no more than eight hours, delivered up the city †, on the ſhameful con-

Briſtol ſurrendered to the King's forces.

ſhe may be daily fruitful in the addition of more bleſſings to us, thro' Jeſus Chriſt our Lord." *Clar. Hiſt.* vol. II. p. 223.

* The garriſon conſiſted of 2500 foot, and a regiment of horſe.

† The princes Rupert and Maurice, infected with the pride of the King's temper, and encouraged by him in the moſt unreaſonable pretenſions, had from their firſt coming into the kingdom aſſumed a haughty inſolent carriage to all the nobility, and thoſe employed by the King

ditions, that the garriſon ſhould march out without their arms, colors, cannon, or ammunition, except the of- Ann. 1643.

King in the moſt important offices. Prince Maurice, who in the aſſault of Briſtol and the Weſtern expedition had ſerved as lieutenant-general to the marquis of Hertford, had not only acted in a more commanding ſtyle than became a ſubordinate officer, but even interfered with the marquis in relation to governing the affairs of the country: whilſt prince Rupert, of a yet more inſolent nature, who was highly puffed up with the ſucceſs which had attended his military exploits, diſdaining that the marquis ſhould be equal to himſelf in command, and that his brother (the nephew to the King) ſhould be in an inferior one, when Briſtol was taken, though this city was within Hertford's commiſſion, entered into the treaty, and concluded the articles of capitulation without conſulting or naming him. Hertford, irritated with this affront, aſſerted the full authority of his command, and without communicating with either of the princes declared he would give the government of Briſtol to Sir Ralph Hopton. No objection could be made to a man of ſuch merit with the party as was Hopton, and therefore the prince, by the ſame meſſenger with which he informed the King that he had reduced Briſtol, deſired him to beſtow the government of that town upon himſelf. When the diſpute between theſe two commanders was known at Oxford, thoſe nobility who were jealous of the treatment their rank had received from the prince, and of his ambition to interfere in the civil government of the country, declared themſelves warmly in favor of the marquis of Hertford's pretenſions; but the court and council not all agreeing in this opinion, "the King, ſays Clarendon, reſolved to take a journey in his own perſon to Briſtol, and there to give ſuch a rule as he thought moſt neceſſary, to which he preſumed both perſons would conform themſelves as well cordially as obediently." This preſumption was not wholly without ground: the marquis of Hertford, who had ſo well digeſted former injuries as to deſert relations, friends, and party, to follow the King's fortunes, and whoſe countenance at the beginning of the conteſt was moſt eſſentially neceſſary, very patiently ſubmitted to the preference he gave to prince Rupert's claim; and Sir Ralph Hopton, to whoſe military bravery the King owed all his ſucceſs in the Weſt, as ſubmiſſively accepted from prince Rupert the office of being his lieutenant-governor. Theſe are the returns which princes commonly beſtow on their moſt devoted ſervants,

Ann. 1643. ficers, with a ſafe convoy to Warminſter, and not to be moleſted in their march for three days. There were ſome other articles in favor of the liberties of the city, and the ſecurity of the perſons and properties of all the inhabitants; but they were ſo ill obſerved, that on the pretence, that the articles of capitulation of the garriſon of Reading had been infringed by the parliament's army, the ſoldiers, after delivering up their arms, inſtead of a ſafe-conduct, according to the conditions of the treaty, met with inſults and ill uſage from the brutal licence of the enemy; and thoſe inhabitants of the city who were thought diſaffected to the cauſe, were baſely plundered *. The reduction of Briſtol, which for population, riches, and trade, was ſecond to the capital, and ſuperior to every other city in the kingdom †, gave the King the entire poſſeſſion of Somerſetſhire, a large and opulent county. The

Triumphant ſtate of the King's affairs.

vants, and ſuch the extinction of all generous reſentment in thoſe breaſts where vanity has taken poſſeſſion! *Clar. Hiſt.* vol. II. p. 236, *& ſeq.*

* "I wiſh I could, ſays Clarendon, excuſe thoſe ſwervings from juſtice and right, which were too frequently practiſed, under the notion that they with whom they were made were rebels, and could not be too ill uſed, when as the cauſe deſerved, ſo it needed all the ingenuity and integrity in the propugners of it to keep deſpair from the guilty, who were much too numerous for the innocent." There were ſome indiſcretions committed by the ſoldiers of Eſſex's army on the ſurrender of Reading; but it is allowed by all parties, and this curious obſervation of Clarendon carries with it a tacit confeſſion of the ſame, that the irregularities committed by the parliament's army were trifling to the enormous licence which on all occaſions was uſed by the royaliſts.

† Beſides this important prize, ſeveral ſhips riding in the river of Briſtol, in which the wealthy had embarked their treaſure, were at the ſame time ſeized.

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condition of the parliament's forces in Dorſetſhire and Devonſhire were ſo languiſhing, that the total reduction of the Weſt waited but the leiſure of the enemy. Ann. 1643.

BIRMINGHAM † in Warwicſhire, and Lichfield in Staffordſhire, had been ſurrendered to prince Rupert, in an expedition he had undertaken in the ſpring. The North was on the point of receiving law from Charles, who with theſe eminent advantages was now in the poſſeſſion of a large and well appointed army, whilſt the enemy's beaten, wearied, and broken forces neither appeared able nor willing to oppoſe the progreſs of his victories.

† The account of the behavior of this town by Clarendon, is a ſtrong ſpecimen of the ſtyle and character of the hiſtorian. After telling us it was for hearty, wilful, affected diſloyalty to the King, of as great fame as any town in England, he deſcribes the ſpirited courage and reſolution of the inhabitants in the following manner: "His highneſs prince Rupert hardly believing it poſſible, that when they ſhould diſcover his power, they would offer to make reſiſtance, ſent his quarter-maſters thither to take up his lodging; and to aſſure them, that if they behaved themſelves peaceably, they ſhould not ſuffer for what was paſt: but they had not conſciences good enough to believe him, and abſolutely refuſed to let him quarter in the town, and from their little works, with mettle equal to their malice, they diſcharged their ſhot upon him; but were quickly overpowered, and ſome parts of the town being fired, they were not able to contend with the two enemies, but, diſtracted between both, ſuffered the aſſailant to enter without much loſs, who took not that vengeance on them they deſerved, but made them expiate their tranſgreſſions with paying a leſs mulct than might have been expected from their wealth, if their wickedneſs had been leſs."

END of the THIRD VOLUME.

ERRATA.

Page 81, l. 7, note, after *revenge*, put a *full-stop*. Ibid. l. 16, dele *them*. P. 94, l. 25, note, for *Algernoon* read *Algernon*. P. 123, l. 14, note, for *Nichols* read *Nicholas*. P. 133, l. 3, note, for *and they* read *and then*. P. 144, l. 27, for *and government* read *and his government*. P. 161, l. 3, for *faction of the royalists* read *faction of royalists*. P. 168, l. 12, note, for *vol. I.* read *vol. II.* P. 187, l. 29, note, dele *vol. IV. p.* 492. P. 211, l. 19. note, after the word *poundage* put a *full-stop*, and make *for the raising*, a new paragraph as well as article. P. 427, l. 1, for *Stanning* read *Slanning*. P. 432, l. 18, for *Leicestershire* read *Staffordshire*.

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